# Tab 1:

SEC v. Conaway, No. 2:05-40263-RHC (E.D. Mich. June 1, 2009),
Jury Instructions

| SEC v. Conaway | <u>z et al.,</u> Ca | ise No | o. 05-402                                | 63   | 1 |
|----------------|---------------------|--------|--|------|---|
|                |                     |        | L  | Ē    |   |
| VERDICT FORM   |                     |        | JN - 4 20                                |      |   |
| CLAIM ONE      |                     | U.S. [ | ERK'S OFFI<br>XISTRICT CO<br>IN ARBOR, I | DUAT |   |

Section 10(b) of the Securities and Exchange Act of 1934 and Rule 10b-5
Promulgated Thereunder

For each Question below, please refer to the corresponding jury instructions for Claim One.

After you have answered questions 1 through 7 below, you will be asked to answer the following question:

Did Charles Conaway violate Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 promulgated thereunder with respect to one or more of the alleged statements or omissions in questions 1 through 7?

1. With respect to the statement in the Management Discussion & Analysis section of Kmart's Form 10-Q that, "Our primary sources of working capital are cash flows from operations and borrowings under our credit facilities,"

Do you find by a preponderance of the evidence:

a. That Charles Conaway made the statement or caused the statement to be made?

| Answer: | Yes | $\checkmark$ | No |  |
|---------|-----|--------------|----|--|
|         |     |              |    |  |

|        | b.       | That the statement was false or misleading?   |
|--------|----------|---|
|        |          | Answer: Yes No  |
|        | c.       | That the statement was material?  |
|        |          | Answer: Yes No  |
|        | d.       | That Charles Conaway acted with intent to defraud or with reckless disregard for the truth? |
|        |          | Answer: Yes No  |
| 2.     | With     | respect to the statement in the Management Discussion & Analysis                            |
| sectio | n of K   | mart's Form 10-Q that, "Inventory increased due to seasonal                                 |
| inven  | tory flı | actuations and actions taken to improve our overall in-stock position,"                     |
|        | Do yo    | ou find by a preponderance of the evidence:   |
|        | a.       | That Charles Conaway made the statement or caused the statement to be made?                 |
|        |          | Answer: Yes No  |
|        | b.       | That the statement was false or misleading?   |
|        |          | Answer: Yes No  |
|        | c.       | That the statement was material?  |
|        |          | Answer: Yes No  |

|        | d.      | That Charles Conaway acted with intent to defraud or with reckless disregard for the truth?  |
|--------|---------|--|
|        |         | Answer: Yes No   |
| 3.     | With:   | respect to the alleged omission from the Management Discussion &   |
| Analy  | sis sec | tion of Kmart's Form 10-Q that it did not identify a known material  |
| liquid | ity eve | ent that occurred in the third quarter of 2001,  |
|        | Do yo   | ou find by a preponderance of the evidence:  |
|        | a.      | That Charles Conaway made the omission or caused the omission to be made?  |
|        |         | Answer: Yes No   |
|        | ь.      | That Kmart had a known material liquidity event that occurred in the third quarter of 2001?  |
|        |         | Answer: Yes No   |
|        | c.      | That Kmart was required to disclose this fact under Item 303 of Regulation S-K?  |
|        |         | Answer: Yes No   |
|        | d.      | That the omitted fact was necessary in order to make the Management Discussion & Analysis section of the Form 10-Q, in light of the circumstances under which it was made, not misleading? |
|        |         | Answer: Yes No   |

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### **CLAIM ONE**

|        | e.       | That the omitted fact was material?  |
|--------|----------|--|
|        |          | Answer: Yes No   |
|        | f.       | That Charles Conaway acted with intent to defraud or with reckless disregard for the truth?  |
|        |          | Answer: Yes No   |
| 4.     | With     | respect to the alleged omission from the Management Discussion &   |
| Analy  | ysis sed | ction of Kmart's Form 10-Q that it did not disclose that Kmart had a   |
| mater  | ial liqu | uidity deficiency during the third quarter of 2001 or the course of action   |
| invol  | ving th  | e delay of vendor payments taken by Kmart's management to remedy   |
| that d | eficier  | ncy,   |
|        | Do y     | ou find by a preponderance of the evidence:  |
|        | a.       | That Charles Conaway made the omission or caused the omission to be made?  |
|        |          | Answer: Yes No   |
|        | b.       | That Kmart had a material liquidity deficiency during the third quarter of 2001 and, if so, remedied that deficiency by a course of action involving the delay of vendor payments? |
|        |          | Answer: Yes No   |
|        |          |  |

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## **CLAIM ONE**

|       | c.       | That Kmart was required to disclose these facts under Item 303 of Regulation S-K?   |
|-------|----------|---|
|       |          | Answer: Yes No  |
|       | d.       | That the omitted fact was necessary in order to make the Managemen Discussion & Analysis section of the Form 10-Q, in light of the circumstances under which it was made, not misleading? |
|       |          | Answer: Yes No  |
|       | e.       | That the omitted facts were material?   |
|       |          | Answer: Yes No  |
|       | f.       | That Charles Conaway acted with intent to defraud or with reckless disregard for the truth?   |
|       |          | Answer: Yes No  |
| 5.    | With     | respect to the alleged omission from the Management Discussion &  |
| Analy | ysis sec | ction of Kmart's Form 10-Q that it did not identify the delay in vendor   |
| paym  | ents as  | a material change in an internal source of liquidity during the third   |
| quart | er of 20 | 001,  |
|       | Do yo    | ou find by a preponderance of the evidence:   |
|       | a.       | That Charles Conaway made the omission or caused the omission to be made?   |
|       |          | Answer: Yes No  |
|       |          |   |

| b. | That the delay in vendor payments was a material change in an internal source of liquidity during the third quarter of 2001? |             |  |  |  |  |
|----|--|-------------|--|--|--|--|
|    | Answer: Yes_   |             | No   |  |  |  |
| c. | That Kmart was require Regulation S-K?   | red to disc | lose this fact under Item 303 of   |  |  |  |
|    | Answer: Yes_   |             | No   |  |  |  |
| d. | Discussion & Analysi   | s section o | ary in order to make the Managemen<br>f the Form 10-Q, in light of the<br>is made, not misleading? |  |  |  |
|    | Answer: Yes_   |             | No   |  |  |  |
| e. | That the omitted fact  | was materi  | al?  |  |  |  |
|    | Answer: Yes_   |             | No   |  |  |  |
| f. | That Charles Conaway disregard for the truth   | •           | th intent to defraud or with reckless  |  |  |  |
|    | Answer: Yes_   |             | No   |  |  |  |
|    |  |             |  |  |  |  |

6. With respect to the statement on the conference call with analysts on November 27, 2001, that "We've clearly caused some systems issues, as John mentioned. During our accounts payable conversion, certain invoices were dropped and has clearly caused some confusion,"

Do you find by a preponderance of the evidence:

| a. | That the statem | ent wa | as false or m | iisleading? |
|----|-----------------|--------|---------------|-------------|
|    | Answer:         | Yes    |               | No          |

b. That the statement was material?

|         |     | _ 0    |
|---------|-----|--------|
| Answer: | Yes | <br>No |

c. That Charles Conaway acted with intent to defraud or with reckless disregard for the truth?

| Answer: | Yes | V | No |            |
|---------|-----|---|----|------------|
|         |     |   |    | Memorrow : |

7. With respect to the statement on the conference call with analysts on November 27, 2001, that, "... And then, I just think there is a – you know, there was a lot of noise from a small group of suppliers," which was in response to an analyst's question, "And in terms of the vendors and the payables, ... what has been the biggest problem with the vendors?"

Do you find by a preponderance of the evidence:

Answer: Yes \_\_\_\_\_ No \_\_\_\_

b. That the statement was material?

Answer: Yes \_\_\_\_\_ No \_\_\_\_

c. That Charles Conaway acted with intent to defraud or with reckless disregard for the truth?

Answer: Yes \_\_\_\_\_ No \_\_\_\_

Did Charles Conaway violate Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 promulgated thereunder with respect to one or more of the alleged statements or omissions in questions 1 through 7?

Answer: Yes \_\_\_\_\_\_ No \_\_\_\_

Aiding and Abetting Section 10(b) of the Securities and Exchange Act of 1934 and Rule 10b-5 Promulgated Thereunder

For each Question below, please refer to the corresponding jury instructions for Claim Two.

After you have answered questions 1 through 4 below, you will be asked to answer the following question:

Did Charles Conaway aid and abet one or more violations by Kmart Corporation of Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 promulgated thereunder as to the Kmart Form 10-Q for the quarterly period ending October 31, 2001?

Do you find by a preponderance of the evidence:

- 1. That Kmart violated Section 10(b) and Rule 10b-5 with respect to one or more of the following statements or alleged omissions:
  - a. With respect to the statement in the Management Discussion & Analysis section of Kmart's Form 10-Q that "Our primary sources of working capital are cash flows from operations and borrowings under our credit facilities," do you find:
    - i. That the statement was false or misleading?

      Answer: Yes \_\_\_\_\_\_ No \_\_\_\_\_

|    | ii.        | That the stat             | tement '           | was mater                 | iai?                         |   |   |
|----|------------|---------------------------|--------------------|---------------------------|------------------------------|---|---|
|    |            | Answer: `                 | Yes                | <u> </u>                  | No                           | _ <del>-</del>  |   |
|    | iii.       | That Kmart disregard fo   |                    |                           | to defraud o                 | or with reckless  |   |
|    |            | Answer:                   | Yes                | <u> </u>                  | No                           |   |   |
| b. | Ana<br>due | lysis section             | of Kmainventor     | art's Form<br>ry fluctuat | 10-Q that "<br>tions and act | ent Discussion & Inventory increased ions taken to improve          |   |
|    | i.         |                           |                    | _                         | or misleadir                 |   |   |
|    |            | Answer:                   | Yes                |                           | No                           | _   |   |
|    | ii.        | That the sta              |                    |                           |                              |   |   |
|    |            | Answer:                   | Yes                | <u> </u>                  | No                           |   |   |
|    | iii.       | That Kmar<br>disregard fo |                    |                           | t to defraud                 | or with reckless  |   |
|    |            | Answer:                   | Yes                | <u> </u>                  | No                           | <del></del>   |   |
| c. | Dis<br>ide | scussion & A              | malysis<br>n mater | section of<br>ial liquidi | f Kmart's Fo                 | e Management<br>orm 10-Q that it did not<br>t occurred in the third |   |
|    | i.         | the third q               | uarter o           | f 2001?                   |                              | lity event that occurred in   | נ |
|    |            | Answer:                   | Yes _              | <u> </u>                  | No                           | <u></u>   |   |
|    |            |                           |                    |                           |                              |   |   |

|    | 11.                       | Regulation S-K?   |
|----|---------------------------|---|
|    |                           | Answer: Yes No  |
|    | iii.                      | That the omitted fact was necessary in order to make the Management Discussion & Analysis section of the Form 10-Q, in light of the circumstances under which it was made, not misleading?  |
|    |                           | Answer: Yes No  |
|    | iv.                       | That the omitted fact was material?   |
|    |                           | Answer: Yes No  |
|    | v.                        | That Kmart acted with intent to defraud or with reckless disregard for the truth?   |
|    |                           | Answer: Yes No  |
| d. | Dis<br>dis-<br>qua<br>pay | th respect to the alleged omission from the Management scussion & Analysis section of Kmart's Form 10-Q that it did not close that Kmart had a material liquidity deficiency during the third arter of 2001 or the course of action involving the delay of vendor yments taken by Kmart's management to remedy that deficiency, you find: |
|    | i.                        | That Kmart had a material liquidity deficiency during the third quarter of 2001 and, if so, remedied that deficiency by a course of action involving the delay of vendor payments?  |
|    |                           | Answer: Yes No  |
|    |                           |   |

|    | ii. That Kmart was required to disclose these facts under Item 3 of Regulation S-K? |  |
|----|---|--|
|    |   | Answer: Yes No   |
|    | iii.  | That the omitted fact was necessary in order to make the Management Discussion & Analysis section of the Form 10-Q, in light of the circumstances under which it was made, not misleading?   |
|    |   | Answer: Yes No   |
|    | iv.   | That the omitted facts were material?  |
|    |   | Answer: Yes No   |
|    | v.  | That Kmart acted with intent to defraud or with reckless disregard for the truth?  |
|    |   | Answer: Yes No   |
| e. | Disc<br>iden  | h respect to the alleged omission from the Management cussion & Analysis section of Kmart's Form 10-Q that it did not tify the delay in vendor payments as a material change in an mal source of liquidity during the third quarter of 2001, |
|    | i.  | That the delay in vendor payments was a material change in an internal source of liquidity during the third quarter of 2001?   |
|    |   | Answer: Yes No   |
|    | ii.   | That Kmart was required to disclose this fact under Item 303 of Regulation S-K?  |
|    |   | Answer: Yes No   |

|       | 111.           | Managemen                | t Discussion &<br>circumstances | hecessary in order to make the & Analysis section of the Form 10-Q, in under which it was made, not |
|-------|----------------|--------------------------|---------------------------------|---|
|       |                | Answer: \                | Tes                             | No  |
|       | iv.            | That the om              | itted fact was                  | material?   |
|       |                | Answer: Y                | Yes                             | No  |
|       | ٧.             | That Kmart disregard for |                                 | ent to defraud or with reckless   |
|       |                | Answer: \                | Yes                             | No  |
| 2.    | That Char      | les Conaway              | had a general                   | awareness that his role was part of an  |
| overa | all activity t | hat was impro            | oper?                           |   |
|       |                | Answer: Y                | Yes                             | No  |
| 3.    | That Char      | les Conaway              | knowingly as:                   | sisted Kmart in its violation of Section  |
| 10(b) | ) and Rule 1   | 0b-5?                    |                                 |   |
|       |                | Answer: N                | Yes                             | No  |
| 4.    | That Char      | les Conaway              | substantially :                 | assisted Kmart in its violation of  |
| Secti | on 10(b) an    | d Rule 10b-5             | ?                               |   |
|       |                | Answer: N                | Yes                             | No  |
|       |                |                          |                                 |   |

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#### **CLAIM TWO**

Did Charles Conaway aid and abet one or more violations by Kmart

Corporation of Section 10(b) of the Securities Exchange Act of 1934 and Rule

10b-5 promulgated thereunder as to the Kmart Form 10-Q for the quarterly period ending October 31, 2001?

|         |     | ./ |      |  |
|---------|-----|----|------|--|
| Answer: | Yes |    | No _ |  |

#### **CLAIM THREE**

Aiding and Abetting Section 13(a) of the Securities Exchange Act of 1934 and Rule 12b-20 and 13a-13 Promulgated Thereunder

For each Question below, please refer to the corresponding jury instructions for Claim Three.

After you have answered questions 1 through 4 below, you will be asked to answer the following question:

Did Charles Conaway aid and abet one or more violations by Kmart Corporation of Section 13(a) of the Securities Exchange Act of 1934 and Rules 12b-20 and 13a-13 promulgated thereunder as to the Kmart Form 10-Q for the quarterly period ending October 31, 2001?

Do you find by a preponderance of the evidence:

1. That Kmart violated Section 13(a) and Rules 12b-20 and 13a-13 in its Form 10-Q for the third quarter of 2001 with respect to one or more of the statements or alleged omissions in Question 1 under Claim Two? (Please base your answer to this question on your answers to Question 1 under Claim Two, except do not consider the question: "That Kmart acted with intent to defraud or with reckless disregard for the truth?" As set forth in Instruction No. 31 at page 40, you

#### **CLAIM THREE**

| do not need to find that Kmart acted knowingly or recklessly in order for Kmart to |
|--|
| have violated Section 13(a) and Rules 12b-20 and 13a-13.)                          |
| Answer: Yes No   |
| 2. That Charles Conaway had a general awareness that his role was part of an       |
| overall activity that was improper?  |
| Answer: Yes No   |
| 3. That Charles Conaway knowingly assisted Kmart in its violation of Section       |
| 13(a) and Rules 12b-20 and 13a-13?   |
| Answer: Yes No   |
| 4. That Charles Conaway substantially assisted Kmart in its violation of           |
| Section 13(a) and Rules 12b-20 and 13a-13?   |
| Answer: Yes No   |
| Did Charles Conaway aid and abet one or more violations by Kmart                   |
| Corporation of Section 13(a) of the Securities Exchange Act of 1934 and Rules      |
| 12b-20 and 13a-13 promulgated thereunder as to the Kmart Form 10-Q for the         |
| quarterly period ending October 31, 2001?  |
|  |

Answer: Yes \_\_\_\_\_\_ No \_\_\_\_\_

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| The jury reached the above answers unanimod | isiy. |
|---|-------|
| Signed.                                     |       |
| _   |       |
| s/Jury Foreperson                           |       |
| Forer                                       |       |

Dated:

# Tab 2:

In re Vivendi Universal, S.A., Securities Litig., No. 1:02-cv-05571-RJH-HMP (S.D.N.Y. Jan. 29, 2010), Jury Instructions

| UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK  COURT EXHIBIT # 3  DATE: 1/1/10  TIME: 12/43 pm  CASE: 02/CV (57)  VERDICT (9000) | Case: 1:16-cv-03885 Document #: 315-3 Filed |                         |
|---|---|-------------------------|
| UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK   CASE: 02CV (57)  VERDICT (9~~~)  **  **  **  **  **  **  **  **  **              |   | DATE:                   |
| SOUTHERN DISTRICT OF NEW YORK   |   |                         |
|   |   | # 000                   |
| IN RE VIVENDI UNIVERSAL, S.A. 02 Civ, 5571(KJH) (HBP)   | IN RE VIVENDI UNIVERSAL, S.A.               | 02 Civ. 5571(RJH) (HBP) |
| SECURITIES LITIGATION  VERDICT FORM   |   |                         |
| This Document Relates To:   | This Document Relates To:                   | A 1.1                   |
| ALL ACTIONS ————————————————————————————————————  | ALL ACTIONS                                 |                         |
| FEB 0 2 2010  |   | S. S. FILED TYCIAL      |

Question No. 1A: Have plaintiffs proven each element of their Section 10(b) claim against any defendant with regard to the statement(s) listed as Entry No. 1 on Table A?

| Vivendî     | Yes | No  |
|-------------|-----|-----|
| Mr. Messier | Yes | No_ |
| Mr. Hannezo | Yes | No  |

Question No. 1B: If you answered "yes" to Question No. 1A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 1A for any defendant, do not answer Question No. 1B with respect to that defendant.

| Vivendi     | Knowingly | Recklessly X |
|-------------|-----------|--------------|
| Mr. Messier | Knowingly | Recklessly   |
| Mr. Hannezo | Knowingly | Recklessly   |

PLEASE PROCEED TO QUESTION NO. 2A.

| Question No. 2A:    | Have plaintiffs | prover   | n each element of their Section | 10(b) claim   |
|---------------------|-----------------|----------|---------------------------------|---------------|
| against any defenda | int with regard | to the s | tatement(s) listed as Entry No. | 2 on Table A? |
|                     |                 |          |                                 |               |
| Vivendi             | Yes             |          | No                              |               |

Question No. 2B: If you answered "yes" to Question No. 2A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 2A for any defendant, do not answer Question No. 2B with respect to that defendant.

Vivendi Knowingly Recklessly

PLEASE PROCEED TO QUESTION NO. 3A.

|                         |                       | ch element of their Section 10(b) claim<br>ment(s) listed as Entry No. 3 on Table A |
|-------------------------|-----------------------|---|
| against any determine w | IM 10Bill to mo start | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,  |
| Vivendi                 | Yes _                 | No  |
| Mr. Messier             | Yes                   | No ****   |

Ouestion No. 3B: If you answered "yes" to Question No. 3A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 3A for any defendant, do not answer Question No. 3B with respect to that defendant.

| Vivendi     | Knowingly | Recklessly X |
|-------------|-----------|--------------|
| Mr. Messier | Knowingly | Recklessly   |

PLEASE PROCEED TO QUESTION NO. 4A.

|       |   | _                    | n element of their Section 10(b) claim<br>nent(s) listed as Entry No. 4 on Table A  | <b>A</b> ? |
|-------|---|----------------------|---|------------|
| 1     | Vivendi   | Yes                  | No  |            |
|       | Mr. Messier                                     | Yes                  | No  |            |
|       |   |                      | ı   |            |
| wheth | ner that defendant ac<br>opropriate line. If ye | ted knowingly or rec | Question No. 4A for any defendant, ind<br>klessly ( <b>choose one</b> ) by placing an X o<br>Question No. 4A for any defendant, do<br>efendant. | י מכ       |
|       | Vivendi   | Knowingly            | Recklessly X  |            |
|       | Mr. Messier                                     | Knowingly            | Recklessly  |            |
|       |   |                      |   |            |

PLEASE PROCEED TO QUESTION NO. 5A.

| Question No. JA: Have     | biaminis bioven eac    | Treferrent of men geenon.   | ro(b) Claum   |
|---------------------------|------------------------|-----------------------------|---------------|
| against any defendant wit | h regard to the state: | ment(s) listed as Entry No. | 5 on Table A? |
| Vivendi                   | Yes                    | No                          |               |
| Mr. Messier               | Yes                    | No _                        |               |

<u>Question No. 5B</u>: If you answered "yes" to Question No. 5A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 5A for any defendant, do <u>not</u> answer Question No. 5B with respect to that defendant.

| Vivendi     | Knowingly | Recklessly X |
|-------------|-----------|--------------|
| Mr. Messier | Knowingly | Recklessly   |

PLEASE PROCEED TO QUESTION NO. 6A.

| Vivendi  | Yes_   | No ·   |
|--|--|--|
| :  |  |  |
|  |  |  |
| 1  |  |  |
| mostion No. 6D. If a   | on on our count for con't to   | Praction No. 64 for any defendant indic  |
|  |  | Question No. 6A for any defendant, indic   |
| whether that defendant   | acted knowingly or re-   | klessly (choose one) by placing an X on  |
| vhether that defendant<br>he appropriate line. If                          | acted knowingly or re-<br>you answered "no" to                             | klessly (choose one) by placing an X on<br>Question No. 6A for any defendant, do <u>n</u>              |
| vhether that defendant   | acted knowingly or re-<br>you answered "no" to<br>B with respect to that o | klessly (choose one) by placing an X on<br>Question No. 6A for any defendant, do <u>n</u><br>efendant. |
| vhether that defendant<br>he appropriate line. If                          | acted knowingly or re-<br>you answered "no" to<br>B with respect to that o | klessly (choose one) by placing an X on<br>Question No. 6A for any defendant, do <u>n</u><br>efendant. |
| whether that defendant<br>he appropriate line. If<br>nswer Question No. 6. | acted knowingly or re-<br>you answered "no" to<br>B with respect to that o | klessly (choose one) by placing an X on<br>Question No. 6A for any defendant, do <u>n</u>              |

| -                     | lement of their Section 10(b) claim  at(s) listed as Entry No. 7 on Table A?  |
|-----------------------|---|
| Yes 🗸                 | No  |
|                       | .*  |
| d knowingly or reckle | estion No. 7A for any defendant, indicate essly (choose one) by placing an X on estion No. 7A for any defendant, do not endant. |
| Knowingly             | Recklessly 📕  |
|                       | Yes  Yes  answered "yes" to Que d knowingly or reckle answered "no" to Qu ith respect to that defe                              |

PLEASE PROCEED TO QUESTION NO. 8A.

| Vivendi   | Yes  | No  |
|---|--|---|
| Mr. Messier   | Yes  | No W  |
|   |  |   |
|   |  |   |
|   |  | uestion No. 8A for any defendant, indica  |
| nether that defendant as<br>e appropriate line. If y                        | cted knowingly or reck<br>ou answered "no" to Q                            | clessly ( <b>choose one</b> ) by placing an X on<br>cuestion No. 8A for any defendant, do <u>no</u>             |
| hether that defendant a<br>e appropriate line. If y<br>swer Question No. 8B | cted knowingly or reck<br>ou answered "no" to Q<br>with respect to that de | clessly ( <b>choose one</b> ) by placing an X on<br>question No. 8A for any defendant, do <u>no</u><br>fendant. |
| nether that defendant a<br>e appropriate line. If y                         | cted knowingly or reck<br>ou answered "no" to Q<br>with respect to that de | clessly ( <b>choose one</b> ) by placing an X on<br>cuestion No. 8A for any defendant, do <u>no</u>             |

PLEASE PROCEED TO QUESTION NO. 9A.

|                          |   | n element of their Section 10(b) claim<br>nent(s) listed as Entry No. 9 on Table  |     |
|--------------------------|---|---|-----|
| Vivendi                  | Yes   | No  |     |
|                          |   |   |     |
| whether that defendant a | ncted knowingly or reck<br>you answered "no" to Q | Question No. 9A for any defendant, in<br>klessly (choose one) by placing an X<br>Question No. 9A for any defendant, de<br>efendant. | on. |
| <b>Vivendi</b>           | Knowingly   | Recklessly X  |     |
| DI FACE DDACFED T        | O OTESTION NO. 1                                  | 104   |     |

|                              | -  | ement of their Section 10(b) claim s) listed as Entry No. 10 on Table A?  |
|------------------------------|--|---|
| Vivendi                      | Yes  | No  |
| Mr. Messier                  | Yes  | No  |
| indicate whether that defend | ant acted knowingly or<br>you answered "no" to | stion No. 10A for any defendant,<br>recklessly (choose one) by placing an<br>Question No. 10A for any defendant,<br>at defendant. |
| Vivendi                      | Knowingly                                      | Recklessly 🗶  |
| Mr. Messier                  | Knowingly                                      | Recklessly  |
|                              |  |   |
| PLEASE PROCEED TO (          | QUESTION NO. 11A.                              |   |

| Vivendi  | Yes  | No   |
|--|--|--|
| Mr. Messier  | Yes  | No_s   |
|  |  |  |
| dicate whether that def                            | endant acted knowing                       | Question No. 11A for any defendant,<br>ly or recklessly (choose one) by placing a                      |
| dicate whether that def                            | endant acted knowing . If you answered "no | Iy or recklessly (choose one) by placing a<br>" to Question No. 11A for any defendant,                 |
| dicate whether that def<br>on the appropriate line | endant acted knowing . If you answered "no | Iy or recklessly (choose one) by placing a " to Question No. 11A for any defendant, to that defendant. |

PLEASE PROCEED TO QUESTION NO. 12A.

|                            |  | th element of their Section 10(b) claim ent(s) listed as Entry No. 12 on Table A?   |
|----------------------------|--|---|
| Vivendi                    | Yes  | No  |
| Mr. Messier                | Yes  | No 🛫  |
|                            |  |   |
| indicate whether that defe | endant acted knowingl<br>If you answered "no | Question No. 12A for any defendant, ly or recklessly (choose one) by placing an "to Question No. 12A for any defendant, that defendant. |
| Vivendi                    | Knowingly                                    | Recklessly  |
| Mr. Messier                | Knowingly                                    | Recklessly  |
|                            |  |   |

PLEASE PROCEED TO QUESTION NO. 13A.

|                           |   | h element of their Section 10(b) claim<br>ent(s) listed as Entry No. 13 on Table A? |
|---------------------------|---|---|
| Vivendi                   | Yes   | No  |
| Mr. Messier               | Yes   | No _  |
|                           |   |   |
| indicate whether that def | endant acted knowingle. If you answered "no No. 13B with respect to | _   |
| Vivendi                   | Knowingly   | Recklessly  |
| Mr. Messier               | Knowingly   | Recklessly  |
|                           |   |   |

PLEASE PROCEED TO QUESTION NO. 14A.

|                            |  | h element of their Section 10(b) claim<br>ent(s) listed as Entry No. 14 on Table A?   |
|----------------------------|--|---|
| Vivendi                    | Yes  | No  |
| Mr. Hannezo                | Yes  | No  |
| indicate whether that defe | ndant acted knowing!<br>If you answered "no" | Question No. 14A for any defendant,<br>y or recklessly ( <b>choose one</b> ) by placing an<br>' to Question No. 14A for any defendant,<br>o that defendant. |
| Vivendi                    | Knowingly                                    | Recklessly 🔀  |
| Mr. Hannezo                | Knowingly                                    | Recklessly  |

PLEASE PROCEED TO QUESTION NO. 15A.

### Case: 1:16-cv-03885 Document #: 315-3 Filed: 12/18/19 Page 35 of 217 PageID #:22195

|   | against any defendant with regard to the statement(s) listed as Entry No. 15 on Table |           |            |  |  |  |
|---|---|-----------|------------|--|--|--|
|   | Vivendi   | Yes       | No         |  |  |  |
| B 17  | Mr. Hannezo   | Yes       | No         |  |  |  |
| Question No. 15B: If you answered "yes" to Question No. 15A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 15A for any defendant, do not answer Question No. 15B with respect to that defendant.  Vivendi Knowingly Recklessly |   |           |            |  |  |  |
|   | Vivendi   | Knowingly | Recklessly |  |  |  |
|   | Mr. Hannezo   | Knowingly | Recklessly |  |  |  |

PLEASE PROCEED TO QUESTION NO. 16A.

#### Case: 1:16-cv-03885 Document #: 315-3 Filed: 12/18/19 Page 36 of 217 PageID #:22196

| Question No. 16A: Ha   | ave plaintiffs proven | each element of their S | ection 10(b) claim |  |  |  |
|--|-----------------------|-------------------------|--------------------|--|--|--|
| against any defendant with regard to the statement(s) listed as Entry No. 16 on Table A? |                       |                         |                    |  |  |  |
|  |                       |                         |                    |  |  |  |
| Vivendi  | Yes                   | No                      |                    |  |  |  |

Question No. 16B: If you answered "yes" to Question No. 16A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 16A for any defendant, do not answer Question No. 16B with respect to that defendant.

Vivendi Knowingly \_\_\_ Recklessly X

PLEASE PROCEED TO QUESTION NO. 17A.

#### Case: 1:16-cv-03885 Document #: 315-3 Filed: 12/18/19 Page 37 of 217 PageID #:22197

Ouestion No. 17A: Have plaintiffs proven each element of their Section 10(b) claim

| against           | against any defendant with regard to the statement(s) listed as Entry No. 17 on Table A? |                        |              |  |  |
|-------------------|--|------------------------|--------------|--|--|
|                   | Vivendi  | Yes                    | No           |  |  |
| : .               | Mr. Messier  | Yes                    | No           |  |  |
| indicate X on the | whether that defende<br>e appropriate line. If   | ent acted knowingly or |              |  |  |
|                   | Vivendi  | Knowingly              | Recklessly X |  |  |
| 1                 | Mr. Messier  | Knowingly              | Recklessly   |  |  |

PLEASE PROCEED TO QUESTION NO. 18A.

|                          |   | ch element of their Section 10(b) claim<br>nent(s) listed as Entry No. 18 on Table A?   |
|--------------------------|---|---|
| Vivendi                  | Yes 🗹   | No  |
| Mr. Messier              | Yes   | No  |
| indicate whether that de | fendant acted knowing<br>e. If you answered "no | Question No. 18A for any defendant,<br>ly or recklessly (choose one) by placing an<br>"to Question No. 18A for any defendant,<br>to that defendant. |
| Vivendi                  | Knowingly                                       | Recklessly 🗶  |
| Mr. Messier              | Knowingly                                       | Recklessly  |

PLEASE PROCEED TO QUESTION NO. 19A.

## Case: 1:16-cv-03885 Document #: 315-3 Filed: 12/18/19 Page 39 of 217 PageID #:22199

| against any defendant with       |                    | on element of their Section 100 nent(s) listed as Entry No. 19 of                                   |               |
|----------------------------------|--------------------|---|---------------|
| Vivendi                          | Yes                | No  |               |
|                                  |                    |   |               |
| indicate whether that defend     | dant acted knowing | Question No. 19A for any def<br>gly or recklessly (choose one) to<br>o" to Question No. 19A for any | by placing an |
| do <u>not</u> answer Question No |                    |   |               |
| Vivendi                          | Knowingly          | Recklessly 🕊  | •             |

PLEASE PROCEED TO QUESTION NO. 20A.

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|                          |   | ch element of their Section 10(b) claim<br>nent(s) listed as Entry No. 20 on Table A?   |
|--------------------------|---|---|
| Vivendi                  | Yes   | No  |
| Mr. Messier              | Yes   | No _  |
|                          |   |   |
| dicate whether that defe | endant acted knowing<br>. If you answered "no | Question No. 20A for any defendant,<br>ly or recklessly (choose one) by placing an<br>o" to Question No. 20A for any defendant, |
|                          | -   | to that defendant.  |
| Vivendi                  | Knowingly                                     |   |
| Vivendi<br>Mr. Messier   | Knowingly                                     |   |

PLEASE PROCEED TO QUESTION NO. 21A.

| Question No. 21A: Have plaintiffs proven each element of their Section 10(b) claim against any defendant with regard to the statement(s) listed as Entry No. 21 on Table A? |   |  |  |  |
|---|---|--|--|--|
| Vivendi   | Yes   | No   |  |  |
| Mr. Messier   | Yes   | No 💇   |  |  |
| indicate whether that defer   | ndant acted knowingly<br>If you answered "no" | uestion No. 21A for any defendant,<br>or recklessly (choose one) by placing an<br>to Question No. 21A for any defendant, |  |  |
| Vivendi   | -   | Recklessly 🕊   |  |  |
|   | Knowingly                                     |  |  |  |
| 4   |   |  |  |  |
| PLEASE PROCEED TO   | QUESTION NO. 22                               | <b>A</b> .   |  |  |

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#### Case: 1:16-cv-03885 Document #: 315-3 Filed: 12/18/19 Page 42 of 217 PageID #:22202

| Question No. 22A: Have plaintiffs proven each element of their Section 10(b) claim against any defendant with regard to the statement(s) listed as Entry No. 22 on Table A? |   |  |  |  |
|---|---|--|--|--|
| Yes   | No  |  |  |  |
| Yes   | No  |  |  |  |
| lant acted knowingly of<br>f you answered "no" to   | <b>▲</b>  |  |  |  |
| Knowingly   | Recklessly  |  |  |  |
|   | Yes Yes answered "yes" to Quelant acted knowingly of you answered "no" to 22B with respect to the Knowingly |  |  |  |

PLEASE PROCEED TO QUESTION NO. 23A.

| Question No. 23A: Have plaintiffs proven each element of their Section 10(b) claim against any defendant with regard to the statement(s) listed as Entry No. 23 on Table A? |   |            |  |  |
|---|---|------------|--|--|
| Vivendi   | Yes _   | No         |  |  |
| Mr. Hannezo   | Yes   | No_        |  |  |
| indicate whether that defen   | dant acted knowingly of<br>If you answered "no" t | _          |  |  |
| Mr. Hannezo   | Knowingly   | Recklessly |  |  |
|   |   |            |  |  |

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PLEASE PROCEED TO QUESTION NO. 24A.

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|   |  | each element of their Section rement(s) listed as Entry No. 2                    | . ,              |
|---|--|--|------------------|
| Vivendi   | Yes  | No   |                  |
|   |  |  |                  |
| indicate whether that de X on the appropriate lin | fendant acted knowing.  If you answered "i | o Question No. 24A for any agly or recklessly (choose on to Question No. 24A for | e) by placing an |
| do not answer Question                            | •  | •  |                  |
| Vivendi   | Knowingly                                  | Recklessly   |                  |

PLEASE PROCEED TO QUESTION NO. 25A.

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|                          |                       | ach element of their Section 10(b) cl<br>ment(s) listed as Entry No. 25 on Ta                              |          |
|--------------------------|-----------------------|--|----------|
| Vivendi                  | Yes _                 | No   |          |
|                          |                       |  |          |
| indicate whether that de | fendant acted knowing | Question No. 25A for any defendangly or recklessly (choose one) by place" to Question No. 25A for any defe | acing an |
| do not answer Question   |                       |  | onuant,  |
| Vivendi                  | Knowingly             | Recklessly 🗶   | ·        |
|                          |                       |  |          |

PLEASE PROCEED TO QUESTION NO. 26A.

|               |                                      | t with regard to the statement  |   | ` '               |
|---------------|--------------------------------------|---|---|-------------------|
|               | Vivendi                              | Yes   | No  |                   |
|               |                                      |   |   |                   |
| indic<br>X on | ate whether that a the appropriate l | If you answered "yes" to Q<br>defendant acted knowingly<br>line. If you answered "no"<br>on No. 26B with respect to | or recklessly (choose of<br>to Question No. 26A for | ne) by placing an |
| 4 .           | Vivendi                              | Knowingly   | Recklessly  |                   |
| DI E          | ACT DOOGED                           | . MO OTHERWOOD NO. 44   | ,,  |                   |

| Vivendi   | Yes  | No  |
|---|--|---|
| - : - <del></del>                                 |  |   |
|   |  |   |
| •   |  |   |
| 1   |  |   |
|   | ,  |   |
|   |  | Question No. 27A for any defendant,   |
| ndicate whether that d                            | efendant acted knowin                            | dy or recklessly (choose one) by placing  |
| ndicate whether that d                            | efendant acted knowin                            |   |
| ndicate whether that d<br>X on the appropriate li | efendant acted knowin                            | gly or recklessly (choose one) by placing o" to Question No. 27A for any defendan |
| ndicate whether that d<br>K on the appropriate li | efendant acted knowing<br>ne. If you answered "n | gly or recklessly (choose one) by placing o" to Question No. 27A for any defendan |

PLEASE PROCEED TO QUESTION NO. 28A.

## Case: 1:16-cv-03885 Document #: 315-3 Filed: 12/18/19 Page 48 of 217 PageID #:22208

Ouestion No. 28A: Have plaintiffs proven each element of their Section 10(b) claim

| against any defendant with  | regard to the stateme                        | ant(s) listed as Entry No. 28 on Table A?   |
|-----------------------------|--|---|
| Vivendi                     | Yes  | No  |
| Mr. Messier                 | Yes  | No 🚾  |
| indicate whether that defen | dant acted knowingly<br>If you answered "no" | puestion No. 28A for any defendant, or recklessly (choose one) by placing an to Question No. 28A for any defendant, that defendant. |
| Vivendi                     | Knowingly                                    | Recklessly  |
| Mr. Messier                 | Knowingly                                    | Recklessly  |

PLEASE PROCEED TO QUESTION NO. 29A.

| against any defendant with regard to the statement(s) listed as Entry No. 29 on Table A?   |           |              |  |  |
|--|-----------|--------------|--|--|
| Vivendi  | Yes       | No           |  |  |
| Mr. Messier  | Yes       | No _         |  |  |
| Onestion No. 29B: If you answered "yes" to Question No. 29A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 29A for any defendant, do not answer Question No. 29 with respect to that defendant. |           |              |  |  |
| Vivendi  | Knowingly | Recklessly 🔏 |  |  |
| Mr. Messier  | Knowingly | Recklessly   |  |  |
|  |           |              |  |  |

PLEASE PROCEED TO QUESTION NO. 30A.

| Vivendi   | Yes   | No   |
|---|---|--|
|   | * ent   |  |
| :   | ,   |  |
|   |   |  |
| vicetion No. 2012 - I                           | Tron programad Streets to                         | Overting No. 20 A few area defendant   |
|   |   | Question No. 30A for any defendant,  |
| dicate whether that d                           | lefendant acted knowing                           | gly or recklessly (choose one) by placing  |
| adicate whether that d<br>on the appropriate li | lefendant acted knowing<br>ne. If you answered "n | gly or recklessly ( <b>choose one)</b> by placing<br>o" to Question No. 30A for any defendar |
| adicate whether that d<br>on the appropriate li | lefendant acted knowing                           | gly or recklessly ( <b>choose one)</b> by placing<br>o" to Question No. 30A for any defendar |

PLEASE PROCEED TO QUESTION NO. 31A.

Question No. 31A: Have plaintiffs proven each element of their Section 10(b) claim against any defendant with regard to the statement(s) listed as Entry No. 31 on Table A?

| Vivendi     | Yes | No   |
|-------------|-----|------|
| Mr. Messier | Yes | No _ |

Question No. 31B: If you answered "yes" to Question No. 31A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 31A for any defendant, do not answer Question No. 31B with respect to that defendant.

| Vivendi     | Knowingly | Recklessly X |
|-------------|-----------|--------------|
| Mr. Messier | Knowingly | Recklessly   |

PLEASE PROCEED TO QUESTION NO. 32A.

| Vivendi   | Yes                                      | No  |           |
|---|--|---|-----------|
| Mr. Messier                                       | Yes                                      | No_   |           |
|   |  |   |           |
|   |  |   |           |
| estion No. 32R: If y                              | ou pressered "vee" te                    | Overtion No. 32 A for any defer   | adont     |
|   |  | Question No. 32A for any defer  |           |
| icate whether that def<br>on the appropriate line | endant acted knowing. If you answered "n | dy or recklessly (choose one) by o" to Question No. 32A for any                     | y placing |
| icate whether that def                            | endant acted knowing. If you answered "n | dy or recklessly (choose one) by o" to Question No. 32A for any                     | y placing |
| icate whether that def<br>on the appropriate line | endant acted knowing. If you answered "n | tly or recklessly (choose one) by o" to Question No. 32A for any to that defendant. | y placing |

PLEASE PROCEED TO QUESTION NO. 33A.

|  |   | ment(s) listed as Entry No. 33 on Table A? |
|--|---|--|
| Vivendi  | Yes   | No   |
| Mr. Messier  | Yes   | No   |
| indicate whether that defe<br>X on the appropriate line<br>do <u>not</u> answer Question N | endant acted knowin If you answered "g No. 33B with respect | •  |
| Vivendi  | Knowingly   | Recklessly                                 |
| Mr. Messier  | Knowingly   | Recklessly                                 |

PLEASE PROCEED TO QUESTION NO. 34A.

|                            |   | ch element of their Section 10(b) claim<br>lent(s) listed as Entry No. 34 on Table A?   |
|----------------------------|---|---|
| Vivendi                    | Yes   | No  |
| Mr. Messier                | Yes   | No_   |
|                            |   |   |
| indicate whether that defe | endant acted knowing<br>. If you answered "no | Question No. 34A for any defendant, ly or recklessly (choose one) by placing an or to Question No. 34A for any defendant, that defendant. |
| Vivendi                    | Knowingly                                     | Recklessly  |
| Mr. Messier                | Knowingly                                     | Recklessly  |
|                            |   |   |

PLEASE PROCEED TO QUESTION NO. 35A.

| Vivendì     | Yes | No   |
|-------------|-----|------|
| Mr. Messier | Yes | No _ |

Question No. 35A: Have plaintiffs proven each element of their Section 10(b) claim against any defendant with regard to the statement(s) listed as Entry No. 35 on Table A?

Question No. 35B: If you answered "yes" to Question No. 35A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 35A for any defendant, do not answer Question No. 35B with respect to that defendant.

| Vivendi     | Knowingly | Recklessly |
|-------------|-----------|------------|
| Mr. Messier | Knowingly | Recklessly |

PLEASE PROCEED TO QUESTION NO. 36A.

| against any defendant wit | h regard to the stat | tement(s) listed as Entry No. 36 on Table A?   |
|---------------------------|----------------------|--|
| Vivendi                   | Yes                  | No   |
| Mr. Messier               | Yes                  | No <u>************************************</u> |

Ouestion No. 36A: Have plaintiffs proven each element of their Section 10(b) claim

Question No. 36B: If you answered "yes" to Question No. 36A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 36A for any defendant, do not answer Question No. 36B with respect to that defendant.

| Vivendi     | Knowingly | Recklessly |
|-------------|-----------|------------|
| Mr. Messier | Knowingly | Recklessly |

PLEASE PROCEED TO QUESTION NO. 37A.

|                  | Question No. 37A: Have plaintiffs proven each element of their Section 10(b) claim against any defendant with regard to the statement(s) listed as Entry No. 37 on Table A? |                       |  |  |  |
|------------------|---|-----------------------|--|--|--|
| í                | Vivendi   | Yes                   | No   |  |  |
|                  | Mr. Messier   | Yes                   | No   |  |  |
| indica<br>X on t | te whether that defend<br>he appropriate line. It   | ant acted knowingly o | estion No. 37A for any defendant,<br>r recklessly ( <b>choose one</b> ) by placing ar<br>o Question No. 37A for any defendant,<br>at defendant |  |  |
|                  | Vivendi   | Knowingly             | Recklessly   |  |  |
| i                | Mr. Messier   | Knowingly             | Recklessly   |  |  |

PLEASE PROCEED TO QUESTION NO. 38A.

|                          |   | h element of their Section 10(b<br>ent(s) listed as Entry No. 38 on   |            |
|--------------------------|---|---|------------|
| Vivendi                  | Yes   | No  |            |
|                          |   |   |            |
| indicate whether that de | efendant acted knowingle. If you answered "no | Question No. 38A for any defer<br>y or recklessly (choose one) by<br>" to Question No. 38A for any o<br>that defendant. | placing an |
| Vivendi                  | Knowingly                                     | Recklessly 🗶  |            |
| 1                        |   |   |            |
| PLEASE PROCEED           | ro question no. 3                             | 9A.   |            |

|                         |                        | ch element of their Section 10(<br>nent(s) listed as Entry No. 39 o                                |              |
|-------------------------|------------------------|--|--------------|
| Vivendi                 | Yes                    | No   |              |
|                         |                        |  |              |
| indicate whether that d | efendant acted knowing | Question No. 39A for any defe<br>ty or recklessly (choose one) b<br>o" to Question No. 39A for any | y placing an |
|                         | 1 No. 39B with respect |  |              |
| Vivendi                 | Knowingly              | Recklessly   |              |

PLEASE PROCEED TO QUESTION NO. 40A.

|                  |                |                         | ement of their Section 10(b) claim s) listed as Entry No. 40 on Table A?  |
|------------------|----------------|-------------------------|---|
| Vivend           | i              | Yes                     | No  |
| Mr. Me           | essier         | Yes                     | No  |
|                  |                | • .                     |   |
| Question No. 4   | OR: If you a   | nswered "ves" to One    | stion No. 40A for any defendant,  |
| indicate whether | r that defenda | int acted knowingly or  | recklessly (choose one) by placing an Question No. 40A for any defendant, |
|                  |                | 40B with respect to the | at defendant.   |
| Vivendi          | i              | Knowingly               | Recklessly  |
| Mr. Me           | ssier          | Knowingly               | Recklessly  |
|                  |                |                         |   |

PLEASE PROCEED TO QUESTION NO. 41A.

| Vivendi   | Yes 🔽  | No  |
|---|--|---|
| Mr. Messier   | Yes  | . No  |
|   |  |   |
|   |  |   |
|   |  | Question No. 41A for any defendant,   |
| dicate whether that def                             | endant acted knowing<br>. If you answered "n | gly or recklessly (choose one) by placing an o" to Question No. 41A for any defendant,                    |
| dicate whether that defe<br>on the appropriate line | endant acted knowing<br>. If you answered "n | gly or recklessly (choose one) by placing an o" to Question No. 41A for any defendant, to that defendant. |

| agains | st any detendant wit | n regard to the states | ment(s) listed as Entry No. 42 on Table A |  |
|--------|----------------------|------------------------|---|--|
|        | Vivendi              | Yes 🖊                  | No  |  |
| !      | Mr. Messier          | Yes                    | No_                                       |  |

Question No. 42A: Have plaintiffs proven each element of their Section 10(b) claim

Question No. 42B: If you answered "yes" to Question No. 42A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 42A for any defendant, do not answer Question No. 42B with respect to that defendant.

| Vivendi     | Knowingly | Recklessly 🗶 |
|-------------|-----------|--------------|
| Mr. Messier | Knowingly | Recklessly   |

PLEASE PROCEED TO QUESTION NO. 43A.

|                  |   |           | ement of their Section 10(b) claim<br>s) listed as Entry No. 43 on Table A? |  |
|------------------|---|-----------|---|--|
|                  | Vivendi   | Yes 🗸     | No  |  |
|                  | Mr. Messier   | Yes       | No  |  |
|                  |   |           | •   |  |
| indica<br>X on t | Question No. 43B: If you answered "yes" to Question No. 43A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 43A for any defendant, do not answer Question No. 43B with respect to that defendant. |           |   |  |
| †                | Vivendi   | Knowingly | Recklessly X  |  |
|                  | Mr. Messier   | Knowingly | Recklessly  |  |

PLEASE PROCEED TO QUESTION NO. 44A.

|                  |   |                        | lement of their Section 10(b) claim (s) listed as Entry No. 44 on Table A?   |
|------------------|---|------------------------|--|
|                  | Vivendi   | Yes 🖊                  | No   |
|                  | Mr. Messier                                       | Yes                    | No   |
|                  | Mr. Hannezo                                       | Yes                    | No   |
| indica<br>X on 1 | te whether that defend<br>the appropriate line. I | lant acted knowingly o | estion No. 44A for any defendant,<br>r recklessly (choose one) by placing an<br>o Question No. 44A for any defendant,<br>at defendant. |
|                  | Vivendi   | Knowingly              | Recklessly 🗶   |
| 1                | Mr. Messier                                       | Knowingly              | Recklessly   |
| i                | Mr. Hannezo                                       | Knowingly              | Recklessly   |

PLEASE PROCEED TO QUESTION NO. 45A.

Ouestion No. 45A: Have plaintiffs proven each element of their Section 10(b) claim

| against any defendant with  | regard to the staten  | nent(s) listed as Entry No. 45 on Table A? |
|---|---|--|
| Vivendi   | Yes   | No   |
| Mr. Messier   | Yes   | No   |
| Mr. Hannezo   | Yes   | No   |
| indicate whether that defen X on the appropriate line. do not answer Question No. | dant acted knowing If you answered "no . 45B with respect t |  |
| Vivendi   | Knowingly   | Recklessly 🗶                               |
| Mr. Messier   | Knowingly   | Recklessly                                 |

Knowingly

Recklessly

PLEASE PROCEED TO QUESTION NO. 46A.

Mr. Hannezo

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| must any detendant                         | _                     | nent(s) listed as Entry No. 46 on Table  |
|--|-----------------------|--|
| Vivendi                                    | Yes_                  | No   |
|  | -                     | :  |
|  | -                     | Question No. 46A for any defendant,  |
| icate whether that don the appropriate lin | efendant acted knowin | ly or recklessly ( <b>choose one</b> ) by placing to Question No. 46A for any defend |

PLEASE PROCEED TO QUESTION NO. 47A.

|         |                       |                         | ment of their Section 10(b) claim    |
|---------|-----------------------|-------------------------|--------------------------------------|
| against | any defendant with re | gard to the statement(s | s) listed as Entry No. 47 on Table A |
|         | Vivendi               | Yes 🖊                   | No                                   |
| -       | Mr. Messier           | Ves                     | No see                               |

<u>Question No. 47B</u>: If you answered "yes" to Question No. 47A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 47A for any defendant, do <u>not</u> answer Question No. 47B with respect to that defendant.

| Vivendi     | Knowingly | Recklessly 🗶 |
|-------------|-----------|--------------|
| Mr. Messier | Knowingly | Recklessly   |

PLEASE PROCEED TO QUESTION NO. 48A.

| agains | st any defendant wit | h regard to the staten | nent(s) listed as Entry No. 48 on Table A |
|--------|----------------------|------------------------|---|
|        | Vivendi              | Yes                    | No  |
|        | Mr. Messier          | Yes                    | No W                                      |

Ouestion No. 48A: Have plaintiffs proven each element of their Section 10(b) claim

Question No. 48B: If you answered "yes" to Question No. 48A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 48A for any defendant, do not answer Question No. 48B with respect to that defendant.

| Vivendi     | Knowingly | Recklessly 🗶 |
|-------------|-----------|--------------|
| Mr. Messier | Knowingly | Recklessly   |

PLEASE PROCEED TO QUESTION NO. 49A.

| Question No. 49A: Have plaintiffs proven each element of their Section 10(b) claim      |   |
|---|---|
| against any defendant with regard to the statement(s) listed as Entry No. 49 on Table A | ? |

<u>Question No. 49B</u>: If you answered "yes" to Question No. 49A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 49A for any defendant, do not answer Question No. 49B with respect to that defendant.

Vivendi Knowingly Recklessly Knowingly Recklessly Recklessly

PLEASE PROCEED TO QUESTION NO. 50A.

| Question No. 50A: Have plaintiffs proven each element of their Section 10(b) claim against any defendant with regard to the statement(s) listed as Entry No. 50 on Table A?   |           |              |  |  |  |
|---|-----------|--------------|--|--|--|
| Vivendi   | Yes       | No           |  |  |  |
|   |           |              |  |  |  |
| Ouestion No. 50B: If you answered "yes" to Question No. 50A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 50A for any defendant, do not answer Question No. 50B with respect to that defendant. |           |              |  |  |  |
| Vivendi   | Knowingly | Recklessly 🗶 |  |  |  |
| PLEASE PROCEED TO QUESTION NO. 51A.   |           |              |  |  |  |

| ainst any defendant                              | with regard to the staten | nent(s) listed as Entry No. 51 on Table A   |
|--|---------------------------|---|
| Vivendi  | Yes                       | ·No   |
|  |                           |   |
|  |                           |   |
|  | -                         | Question No. 51A for any defendant,   |
| licate whether that de<br>on the appropriate lir | efendant acted knowing    | ly or recklessly ( <b>choose one</b> ) by placing and to Question No. 51A for any defendant |

PLEASE PROCEED TO QUESTION NO. 52A.

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| Question No. 52A: Have plaintiffs proven each element of their Section 10(b) claim against any defendant with regard to the statement(s) listed as Entry No. 52 on Table A?   |           |              |  |  |
|---|-----------|--------------|--|--|
| Vivendi   | Yes       | No           |  |  |
| Mr. Hannezo   | Yes       | No _ :       |  |  |
|   |           |              |  |  |
| Question No. 52B: If you answered "yes" to Question No. 52A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 52A for any defendant, do not answer Question No. 52B with respect to that defendant. |           |              |  |  |
| Vivendi   | Knowingly | Recklessly 🗶 |  |  |
| Mr. Hannezo   | Knowingly | Recklessly   |  |  |
| PLEASE PROCEED TO   |           |              |  |  |

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| Quest  | uestion No. 53A: Have plaintiffs proven each element of their Section 10(b) claim        |       |    | n |  |
|--------|--|-------|----|---|--|
| agains | against any defendant with regard to the statement(s) listed as Entry No. 53 on Table A? |       |    |   |  |
| 1      |  |       |    |   |  |
| .,     | Vivendi  | Yes V | No |   |  |
|        | Mr. Hannezo  | Yes   | No |   |  |

Question No. 53B: If you answered "yes" to Question No. 53A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 53A for any defendant, do not answer Question No. 53B with respect to that defendant.

| Vîvendi     | Knowingly | Recklessly X |
|-------------|-----------|--------------|
| Mr. Hannezo | Knowingly | Recklessly   |

PLEASE PROCEED TO QUESTION NO. 54A.

| Mr. Hannezo Yes No  |                       | _                      | ent(s) listed as Entry No. 54 on Table  |
|---|-----------------------|------------------------|---|
| tion No. 54B: If you answered "yes" to Question No. 54A for any defendant atte whether that defendant acted knowingly or recklessly (choose one) by plathe appropriate line. If you answered "no" to Question No. 54A for any defendant answer Question No. 54B with respect to that defendant.  Vivendi Knowingly Recklessly Mr. Hannezo Knowingly Recklessly Recklessly | Vivendi               | Yes                    | No                                      |
| the whether that defendant acted knowingly or recklessly (choose one) by plathe appropriate line. If you answered "no" to Question No. 54A for any defet answer Question No. 54B with respect to that defendant.  Vivendi Knowingly Recklessly Mr. Hannezo Knowingly Recklessly Recklessly  | Mr. Hannezo           | Yes                    | No_                                     |
| •••   |                       |                        |   |
| ate whether that defendant acted knowingly or recklessly (choose one) by pla the appropriate line. If you answered "no" to Question No. 54A for any defe answer Question No. 54B with respect to that defendant.  Vivendi Knowingly Recklessly  Mr. Hannezo Knowingly Recklessly  | tion No. 54B: If yo   | ou answered "yes" to   | Question No. 54A for any defendant,     |
| Vivendi Knowingly Recklessly  | ate whether that defe | endant acted knowing   | ly or recklessly (choose one) by placin |
| Vivendi Knowingly Recklessly Knowingly Recklessly Recklessly Recklessly L   |                       |                        |   |
| Mr. Hannezo Knowingly Recklessly  | t answer Question P   | vo. 54B with respect t | o that defendant.                       |
|   | Vivendi               | Knowingly              | Recklessly                              |
|   | Mr Wannezo            | Vnovinch               | Recklessly                              |
| ASE PROCEED TO QUESTION NO. 55A.  |                       |                        |   |
| ASE PROCEED TO QUESTION NO. 55A.  | 1711. Italiic20       | Kilowingty             | ·                                       |
| ASE PROCEED TO QUESTION NO. 55A.  | WII. Hannezo          | Knowingry              |   |
|   |                       |                        |   |
|   |                       |                        |   |
|   |                       |                        |   |
|   |                       |                        |   |
|   |                       |                        |   |
|   |                       |                        |   |
|   |                       |                        |   |
|   |                       |                        |   |
|   |                       |                        |   |
|   |                       |                        |   |

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|               | Question No. 55A: Have plaintiffs proven each element of their Section 10(b) claim against any defendant with regard to the statement(s) listed as Entry No. 55 on Table A? |                                 |  |  |  |
|---------------|---|---------------------------------|--|--|--|
|               | Vivendi   | Yes                             | No   |  |  |
|               |   |                                 |  |  |  |
| indic<br>X on | ate whether tha<br>the appropriate  | it defendant acted knowingly or | estion No. 55A for any defendant,<br>r recklessly (choose one) by placing an<br>Question No. 55A for any defendant,<br>at defendant. |  |  |
|               | Vivendî   | Knowingly                       | Recklessly   |  |  |
| PLE           | ASE PROCEE  | ED TO QUESTION NO. 56A.         |  |  |  |

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| . 7  | nsi any defendani   | _                     | ment(s) listed as Entry No. 56 or                               | Table A?   |
|------|---------------------|-----------------------|---|------------|
|      | Vivendi             | Yes                   | No  |            |
|      |                     |                       | •   |            |
| . :: |                     |                       |   |            |
|      | cate whether that d | efendant acted knowin | Question No. 56A for any defergly or recklessly (choose one) by | •          |
|      |                     | No. 56B with respect  | to that defendant.  | defendant, |

PLEASE PROCEED TO QUESTION NO. 57A.

| Question No. 57A: Have plaintiffs proven each element of their Section 10(b) claim against any defendant with regard to the statement(s) listed as Entry No. 57 on Table A? |   |    |  |  |  |
|---|---|----|--|--|--|
| Vivendi   | Yes_  | No |  |  |  |
| Mr. Messier   | Yes   | No |  |  |  |
|   |   |    |  |  |  |
| indicate whether that do  | Ouestion No. 57B: If you answered "yes" to Question No. 57A for any defendant, indicate whether that defendant acted knowingly or recklessly (choose one) by placing an X on the appropriate line. If you answered "no" to Question No. 57A for any defendant, do not answer Question No. 57B with respect to that defendant. |    |  |  |  |
| Vivendi Knowingly Recklessly  |   |    |  |  |  |
| Mr. Messier   | Mr. Messier Knowingly Recklessly  |    |  |  |  |
| PLEASE PROCEED TO QUESTION NO. 58.  |   |    |  |  |  |

If you answered "no" for all the statements in Questions No. 1A through 57A, you have finished with the Verdict Form. Please turn to the last page, sign and date the Form, and inform the Court that you have finished.

If you answered "yes" for any statement in Questions No. 1A through 57A, please proceed to Question No. 58.

#### Question No. 58:

Please identify the daily inflation amount (in euros/dollars per share), if any, that you find was caused by the Section 10(b) violation(s) you identified in Questions No. 1A through 57A. You may consult PX-1486 and DX-1878 for guidance in answering this question.

| Traffic experience | 9 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | 200000000000000000000000000000000000000 |
|--------------------|---|---|
| Date               | Amount of Inflation                     | Amount of Inflation                     |
| <u> </u>           | Per Ordinary Share                      | Per ADS                                 |
| 10/30/2000         | € 0.15 per share                        | \$ 0.13 per share                       |
| 10/31/2000         | € 0.15 per share                        | \$ <u>0.13</u> per share                |
| 11/01/2000         | € 0 · 15 per share                      | \$ <u>0.13</u> per share                |
| 11/02/2000         | € 0.15 per share                        | \$ <u>(). 17)</u> per share             |
| 11/03/2000         | € <u>0.15</u> per share                 | \$ <u>() (3</u> per share               |
| 11/06/2000         | € 0.15 per share                        | \$ 0.13 per share                       |
| 11/07/2000         | € 0.15 per share                        | \$ 0.13 per share                       |
| 11/08/2000         | € <u>0.15</u> per share                 | \$ <u>0.17</u> per share                |
| 11/09/2000         | € <u>0.15</u> per share                 | \$ <u>0.13</u> per share                |
| 11/10/2000         | € <u>0.15</u> per share                 | \$ <u>0.13</u> per share                |
| 11/13/2000         | € <u>0.15</u> per share                 | \$ <u>0.13</u> per share                |
| 11/14/2000         | € <u>0.15</u> per share                 | \$ 0.13 per share                       |
| 11/15/2000         | € <u>0·1S</u> per share                 | \$ <u>0 13</u> per share                |
| 11/16/2000         | € <u>0-15</u> per share                 | \$ <u>0.13</u> per share                |
| 11/17/2000         | € <u>0.15</u> per share                 | $\frac{0 \cdot 13}{2}$ per share        |
| 11/20/2000         | € <u>0.15</u> per share                 | \$ <u>0.13</u> per share                |
| 11/21/2000         | € <u>0-∫\$</u> per share                | \$ <u> </u>                             |
| 11/22/2000         | € <u>0.15</u> per share                 | \$ <u>0 . 13</u> per share              |
| 11/23/2000         | € <u>0.15</u> per share                 |   |
| 11/24/2000         | € <u>0.15</u> per share                 | \$ <u> </u>                             |
| 11/27/2000         | € <u>0.15</u> per share                 | \$ <u>0.19</u> per share                |
| 11/28/2000         | € <u>(). IC</u> per share               | S <u>Ø⋅13</u> per share                 |
| 11/29/2000         | € <u>0.15</u> per share                 | \$ <u>() .   B</u> per share            |
| 11/30/2000         | € <u>() . [5</u> per share              | \$ <u>() ·   ?)</u> per share           |
| 12/01/2000         | $\underbrace{e}_{O \cdot IS}$ per share | \$ <u> </u>                             |
| 12/04/2000         | € <u>0.15</u> per share                 | \$ <u>0 13</u> per share                |
| 12/05/2000         | € <u>0.15</u> per share                 | \$ <u>0.13</u> per share                |
| 12/06/2000         | € 0.15 per share                        | \$ <u>0.13</u> per share                |
| 12/07/2000         | € <u>0.(5</u> per share                 | \$ <u>0.17</u> per share                |
| 12/08/2000         | € <u>0.   C</u> per share               | \$ <u>0・1ラ</u> per share                |
| 12/11/2000         | € <u>0 (5</u> per share                 | \$ 0.15 per share                       |

| Date                     | Amount of Inflation   | Amount of Inflation                     |
|--------------------------|---|---|
|                          | Per Ordinary Share  | Per ADS                                 |
| 12/12/2000               | € 0.15 per share  | \$ 0.13 per share                       |
| 12/13/2000               | € 015 per share   | \$ <u>() 13</u> per share               |
| 12/14/2000               | € 0.15 per share  | \$ 0.13 per share                       |
| 12/15/2000               | € 0.15 per share  | \$ <u>0.13</u> per share                |
| 12/18/2000               | € 0.15 per share  | \$ <u>() .   2</u> per share            |
| 12/19/2000               | € 0-15 per share  | \$ <u>0.13</u> per share                |
| 12/20/2000               | € <u>Ø.jC</u> per share   | \$ <u>0.13</u> per share                |
| 12/21/2000               | € <u>0.1S</u> per share   | $\frac{0 \cdot 13}{2}$ per share        |
| 12/22/2000               | € 0.15 per share  | \$ <u>0.13</u> per share                |
| 12/26/2000               |   | \$ <u>[] . []</u> per share             |
| 12/27/2000               | $\in 0.15$ per share  | \$ <u>0.13</u> per share                |
| 12/28/2000               | € 0.15 per share  | \$ <u>0.13</u> per share                |
| 12/29/2000               | € <u>0.1≤</u> per share   | \$ <u>0.13</u> per share                |
| 01/02/2001               | $ \underbrace{0 \cdot 15}_{\text{per share}} $  | \$ <u>0.13</u> per share                |
| 01/03/2001               | $e \underline{0}$ (S per share  | \$ <u>0.13</u> per share                |
| 01/04/2001               | € <u>0.15</u> per share   | \$ <u>0.175</u> per share               |
| 01/05/2001               | € <u>Ø. LS</u> per share  | \$ <u>0.13</u> per share                |
| 01/08/2001               | € <u>0 15</u> per share   |   |
| 01/09/2001               | € <u>0.15</u> per share   | \$ <u>0.13</u> per share                |
| 01/10/2001               | € 0.15 per share  | \$ $0.13$ per share \$ $0.13$ per share |
| 01/11/2001               | € 0.15 per share  | $\frac{0.03}{0.13}$ per share           |
| 01/12/2001               | € <u>0 . (C</u> per share   | 2 0.12 her suare                        |
| 01/15/2001               | $\mathcal{E} = 0 \cdot \mathcal{C}$ per share $\mathcal{E} = 0 \cdot \mathcal{C}$ per share | \$ <u>043</u> per share                 |
| 01/16/2001<br>01/17/2001 | $\frac{e}{h}$ $\frac{h}{h}$ per share   | \$ 0.13 per share                       |
| 01/18/2001               | € 0.15 per share  | \$ 0.17 per share                       |
| 01/19/2001               | € D. (5 per share   | \$ 0.13 per share                       |
| 01/19/2001               | € 0.15 per share  | \$ <u>0.13</u> per share                |
| 01/23/2001               | € 0.15 per share  | \$ $0.0$ per share                      |
| 01/24/2001               | € ().(5_ per share  | $\frac{0.95}{0.95}$ per share           |
| 01/25/2001               | € 0.1€ per share  | \$ 0.13 per share                       |
| 01/26/2001               | € O·(C per share  | \$ 0.12 per share                       |
| 01/29/2001               | € 0.15 per share  | \$ <u>().12</u> per share               |
| 01/30/2001               | € 0.15 per share  | \$ 0.17 per share                       |
| 01/31/2001               | € 0.15 per share  | \$ 0.13 per share                       |
| 02/01/2001               | € 0.15 per share  | \$ ().19 per share                      |
| 02/02/2001               | € 0.15 per share  | \$ 0.13 per share                       |
| 02/05/2001               | € 0.1¢ per share  | \$ 0.13 per share                       |
| 02/06/2001               | € 0.15 per share  | \$ ().() per share                      |
| 02/07/2001               | € 0.15 per share  | \$ 0.10 per share                       |
| 02/08/2001               | € 0.15 per share  | \$ 0.13 per share                       |
| 02/09/2001               | € 0.15 per share  | S () D per share                        |
| 02/12/2001               | € 0.1≤ per share  | \$ 0.13 per share                       |
| 02/13/2001               | € 0.15 per share  | \$ 0 13 per share                       |
|                          | *   | <del></del>                             |

| Date                     | Amount of Inflation  | Amount of Inflation                                  |
|--------------------------|--|--|
| 27440                    | Per Ordinary Share   | Per ADS  |
| 02/14/2001               | € 0-(5 per share   | \$ 0.13 per share                                    |
| 02/15/2001               | € 0.15 per share   | \$ 0.00 per share                                    |
| 02/16/2001               | € () (5 per share  | \$ 0.0 per share                                     |
| 02/19/2001               | € _0.1 per share   |  |
| 02/20/2001               | € 0.1¢ per share   | \$ 0 ብን per share                                    |
| 02/21/2001               | € 0.15 per share   | \$ <u>0.13</u> per share                             |
| 02/22/2001               | € 0.15 per share   | $\$ \frac{0.13}{0.13}$ per share                     |
| 02/23/2001               | € 0.15 per share   | \$ 0.13 per share                                    |
| 02/26/2001               | € 0.15 per share   | \$ 0.B per share                                     |
| 02/27/2001               | € <u>0.15</u> per share  | \$ 0.13 per share                                    |
| 02/28/2001               | € 0-15 per share   | \$ <u>0.13</u> per share                             |
| 03/01/2001               | € <u>0.15</u> per share  | \$ 0.13 per share                                    |
| 03/02/2001               | € <u>0.15</u> per share  | \$ <u>0.15</u> per share                             |
| 03/05/2001               | € <u>0⋅l</u> 5 per share   | \$ 0.13 per share                                    |
| 03/06/2001               | $ \in  $ per share   | \$ <u>0 · 13</u> per share                           |
| 03/07/2001               | € <u>0 15</u> per share  | \$ <u>0 13</u> per share                             |
| 03/08/2001               | € <u>0·15</u> per share  | \$ <u>0.6</u> per share                              |
| 03/09/2001               | € <u>0⋅lC</u> per share  | \$ <u>0.13</u> per share                             |
| 03/12/2001               | € 015 per share  | $\frac{0.13}{2}$ per share                           |
| 03/13/2001               | €0.K per share   | \$ <u>0.17</u> per share                             |
| 03/14/2001               | € <u>0</u> t per share   | \$ 0.13 per share                                    |
| 03/15/2001               | € 0   c per share  | \$ <u>0.13</u> per share                             |
| 03/16/2001               | € _ 0.1≤ per share   | \$ 0.12 per share                                    |
| 03/19/2001<br>03/20/2001 | € 0.1€ per share   | \$ <u>0.13</u> per share                             |
| 03/20/2001               | € <u>0.15</u> per share<br>€ 0.15 per share                        | \$ <u>() .17</u> per share                           |
| 03/21/2001               |  | \$ <u>0.13</u> per share<br>\$ 0.13 per share        |
| 03/22/2001               | $ \underbrace{\theta \cdot   \zeta}_{\text{per share}} $ per share |  |
| 03/25/2001               | € 7.13 per share   | $\begin{array}{cccccccccccccccccccccccccccccccccccc$ |
| 03/20/2001               | € 0.5 per share  | 0.0 per share  |
| 03/28/2001               | $\epsilon = 0.1\zeta$ per share                                    | \$ 0.13 per share                                    |
| 03/29/2001               | € /) 15 per share  | \$ 0.13 per share                                    |
| 03/30/2001               | € 0.15 per share   | \$ 0.13 per share                                    |
| 04/02/2001               | € n·1c per share   | \$ 17.13 per share                                   |
| 04/03/2001               | € 015 per share  | \$ 0.13 per share                                    |
| 04/04/2001               | € 0.12 per share   | \$ 0.13 per share                                    |
| 04/05/2001               | € 0.15 per share   | \$   |
| 04/06/2001               | € 0.15 per share   | \$ _0 .13 per share                                  |
| 04/09/2001               | € 0.15 per share   | \$ <u>() .13</u> per share                           |
| 04/10/2001               | $\epsilon 0.15$ per share  | \$() ·   > per share                                 |
| 04/11/2001               | € 0.13 per share   | \$ 0.13 per share                                    |
| 04/12/2001               | € D.IC per share   | \$ <u>0.13</u> per share                             |
| 04/16/2001               | <del></del>  | $\  \   \   \   \  \  \  \  \  \  \  \  $            |
| 04/17/2001               | € <u>0 · K</u> per share   | \$ <u>0 . 13</u> per share                           |

| Th = 4.1                 |  | A  |
|--------------------------|--|--|
| Date                     | Amount of Inflation<br>Per Ordinary Share  | Amount of Inflation Per ADS                                      |
| 04/19/2001               |  | - A  |
| 04/18/2001<br>04/19/2001 | € 0.15 per share<br>€ 0.15 per share   | $\frac{0.0}{0.0}$ per share $\frac{0.0}{0.0}$ per share          |
| 04/20/2001               |  |  |
| 04/23/2001               |  | \$ <u>\( \text{1} \) \( \text{P} \) per share \( \text{S} \)</u> |
| 04/24/2001               | € <u>0.45</u> per share<br>€ 1.20 per share  |  |
| 04/25/2001               |  | A  |
| 04/26/2001               | € <u>1.20</u> per share<br>€ <u>1.20</u> per share                                   | _ <del></del>  |
| 04/27/2001               | € 1.20 per share   | # =  |
| 04/30/2001               | € 1.20 per share   | \$ 1.0% per share  |
| 05/01/2001               | 0 <u> - 20 </u> pur simir  | \$ <u>1.00</u> per share   |
| 05/02/2001               | € 1.10 per share   | \$ 1.00 per share  |
| 05/03/2001               | € 1,20 per share   | \$ 1.00 per share  |
| 05/04/2001               | € 1.20 per share   | \$ 1.00 per share  |
| 05/07/2001               | € (· 2.0) per share  | \$ 1.0% per share  |
| 05/08/2001               | € 1.20 per share   | \$ 1.03 per share  |
| 05/09/2001               | € <u>1.20</u> per share  | \$   |
| 05/10/2001               | € <u>1.20</u> per share  | \$ <u>1.0%</u> per share   |
| 05/11/2001               | € <u>1.20</u> per share  | \$ <u>1.03</u> per share   |
| 05/14/2001               | € <u>1.25</u> per share  | \$ <u>(.03</u> per share   |
| 05/15/2001               | € <u>1.20</u> per share  | \$ <u>    . 0 %</u> per share                                    |
| 05/16/2001               | € 1.20 per share   | \$   |
| 05/17/2001               | $\epsilon_{\underline{\underline{1\cdot 20}}}$ per share                             | \$ 1.00 per share  |
| 05/18/2001               | € 1.20 per share   | \$   |
| 05/21/2001<br>05/22/2001 | € 1.20 per share   | \$ 1.0% per share  |
| 05/22/2001               | € 1.20 per share   | \$ <u>1.09</u> per share<br>\$ 1.09 per share                    |
| 05/24/2001               |  | \$ <u>(.07)</u> per share<br>\$ <u>(.07)</u> per share           |
| 05/25/2001               | $ \underbrace{\epsilon}_{1\cdot 20} $ per share $ \underbrace{1\cdot 20} $ per share | \$ 1.03 per share  |
| 05/28/2001               | € 1.20 per share   | 4 _ KO3 per share  |
| 05/29/2001               | € 1.20 per share   | \$ per share   |
| 05/30/2001               | € 1.20 per share   | \$ 1.0% per share  |
| 05/31/2001               | €   ·20 per share  | \$ 1.03 per share  |
| 06/01/2001               | € <u>/· 2.0</u> per share  | \$   |
| 06/04/2001               |  | \$ 1.0% per share  |
| 06/05/2001               | € <u>  1.20</u> per share  | \$ <u> ø ን</u> per share   |
| 06/06/2001               | $\epsilon$ 1.20 per share  | \$ 1.0% per share  |
| 06/07/2001               | € 1.20 per share   | \$ 1.00 per share  |
| 06/08/2001               | € 1.20 per share   | \$ per share   |
| 06/11/2001               | € 1.20 per share   | \$ <u>1.03</u> per share   |
| 06/12/2001               | € <u>1-2.0</u> per share   | \$ <u>) . 0%</u> per share                                       |
| 06/13/2001               | € (·20 per share   | \$per share  |
| 06/14/2001               | € <u>1.2.0</u> per share   | \$ <u>1.00</u> per share   |
| 06/15/2001               | € 1.20 per share   | \$ <u>1.03</u> per share   |
| 06/18/2001               | € <u>(-20</u> per share  | \$ 1.00 per share  |

| d                                       |  |   |
|---|--|---|
| Date                                    | Amount of Inflation  | Amount of Inflation                       |
| A 1 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | Per Ordinary Share   | Per ADS                                   |
| 06/19/2001                              | € 1.20 per share   | \$ 1.00 per share                         |
| 06/20/2001                              | € <u>1.20</u> per share  | \$ <u>1.07</u> per share                  |
| 06/21/2001                              | € 1.20 per share   | \$ <u>1.09</u> per share                  |
| 06/22/2001                              | € <u>(∙2₁</u> per share  | \$ <u>1.03</u> per share                  |
| . 06/25/2001                            | € 1.20 per share   | \$ <u>1.0%</u> per share                  |
| 06/26/2001                              | € <u>1.20</u> per share  | \$ <u>1.0%</u> per share                  |
| 06/27/2001                              | $\epsilon_{1\cdot20}$ per share                                    | \$ <u>  • ዕን</u> per share                |
| 06/28/2001                              | € /20 per share  | \$ <u> </u>                               |
| 06/29/2001                              | € <u>1.20</u> per share  | \$ 1.00 per share                         |
| 07/02/2001                              | € 1.20 per share   | \$ <u>  - 0 %</u> per share               |
| 07/03/2001                              | € <u>1.20</u> per share  | \$ <u> </u>                               |
| 07/04/2001                              | € <u>(.20</u> per share  |   |
| 07/05/2001                              | € 1.20 per share   | \$ <u>/.027</u> per share                 |
| 07/06/2001                              | $e_{1.20}$ per share   | \$ 1.000 per share                        |
| 07/09/2001                              | $e_{1,20}$ per share   | \$ 1.0% per share                         |
| 07/10/2001                              | € <u>1.20</u> per share  | \$ 1.00 per share                         |
| 07/11/2001                              | $\frac{\epsilon}{1.20}$ per share                                  | \$ <u>1.0%</u> per share                  |
| ·07/12/2001<br>07/13/2001               | $ \frac{\epsilon}{1.20} $ per share $ \frac{1.20}{2.0} $ per share | \$ 1.000 per share<br>\$ 1.000 per share  |
| 07/16/2001                              | € <u>1.20</u> per share<br>€ 1.20 per share                        | \$ 1.0% per share                         |
| 07/17/2001                              | € 1.20 per share   | \$ 1.0% per share                         |
| 07/18/2001                              | € 1.20 per share   | \$ 1.0% per share                         |
| 07/19/2001                              | € 1.20 per share   | \$ 1.09 per share                         |
| 07/20/2001                              | € 1.26 per share   | \$ 1.69 per share                         |
| 07/23/2001                              | € 2.40 per share   | \$ _9_14 per share                        |
| 07/24/2001                              | € 2.40 per share   | \$ <u>2-14</u> per share                  |
| 07/25/2001                              | € 2.40 per share   | \$ 2.14 per share                         |
| 07/26/2001                              | € 2.45 per share   | \$ 214 per share                          |
| 07/27/2001                              | $\epsilon 2.40$ per share  | \$ 2.14 per share                         |
| 07/30/2001                              | € 2.40 per share   | \$ <u>2.14</u> per share                  |
| 07/31/2001                              | € 2-40 per share   | \$ 2-14 per share                         |
| 08/01/2001                              | € <u>2.40</u> per share  | \$ 2.14 per share                         |
| 08/02/2001                              | € <u>2.4 b</u> per share   | \$ <u>2.14</u> per share                  |
| 08/03/2001                              | € <u>2.40</u> per share  | \$ 2-14 per share                         |
| 08/06/2001                              | $ \underbrace{\epsilon}_{2\cdot40} $ per share                     | \$ 2.14 per share                         |
| 08/07/2001                              | € <u>Q.40</u> per share  | \$ <u>2.14</u> per share                  |
| 08/08/2001                              | € <u>2.40</u> per share  | $\frac{3}{2}$ per share                   |
| 08/09/2001                              | $\epsilon_{2\cdot40}$ per share                                    | \$ 2.14 per share                         |
| 08/10/2001                              | € <u>D.4.0</u> per share   | \$ <u>교기나</u> per share                   |
| 08/13/2001                              | € <u>2.40</u> per share  | $\frac{2 \cdot 14}{2 \cdot 14}$ per share |
| 08/14/2001                              | € <u>2-40</u> per share  | \$ 2.14 per share                         |
| 08/15/2001                              | € <u>2-40</u> per share  | \$ 2.14 per share                         |
| 08/16/2001                              | € <u>9.40</u> per share  | \$ 2.14 per share                         |
| 08/17/2001                              | € <u>2.40</u> per share  | \$ <u>2-14</u> per share                  |

| r i        |   | to the sale of the sale of the                     |
|------------|---|--|
| Date       | Amount of Inflation   | Amount of Inflation                                |
| <u> </u>   | Per Ordinary Share  | Per ADS  |
| 08/20/2001 | € <u>Ĵ.40</u> per share   | \$ <u></u>   |
| 08/21/2001 | € <u>Ĵ.40</u> per share   | \$ <u>2.14</u> per share                           |
| 08/22/2001 | € <u>2.40</u> per share   | \$ <u>ايا لا</u> per share                         |
| 08/23/2001 | € <u>2.40</u> per share   | \$ per share                                       |
| 08/24/2001 | € <u>2.↓0</u> per share   | \$ <u>2.14</u> per share                           |
| 08/27/2001 | € <u>2.40</u> per share   | \$ 2.14 per share                                  |
| 08/28/2001 | € <u>2.40</u> per share   | \$ 2./4 per share                                  |
| 08/29/2001 | € <u>2.40</u> per share   | \$ <u>2.14</u> per share                           |
| 08/30/2001 | $\epsilon$ <u> 2 40</u> per share   | \$ <u>2.14</u> per share                           |
| 08/31/2001 | € <u>♪40</u> per share  | \$ <u>2 14</u> per share                           |
| 09/03/2001 | $\epsilon_{\underline{}\underline{}\underline{}\underline{}\underline{}\underline{}}$ per share |  |
| 09/04/2001 | € <u>2-40</u> per share   | \$ <u>2,14</u> per share                           |
| 09/05/2001 | € <u>೨.40</u> per share   | \$ <u>2.14</u> per share                           |
| 09/06/2001 | € <u>2.40</u> per share   | \$ 2.14 per share                                  |
| 09/07/2001 | € 2.40 per share  | \$ 2.14 per share                                  |
| 09/10/2001 | € <u>2.40</u> per share   | \$ <u>2.14                                    </u> |
| 09/11/2001 | € <u> </u>  |  |
| 09/12/2001 | € <u>0.00</u> per share   |  |
| 09/13/2001 | € <i>0.00</i> per share   |  |
| 09/14/2001 | € <u>O.</u> per share   |  |
| 09/17/2001 | $\epsilon$ 0.00 per share   | \$ <u> </u>  |
| 09/18/2001 | € <u>0 00</u> per share   | \$ <u>O</u> per share                              |
| 09/19/2001 | €0.00 per share   | \$ per share                                       |
| 09/20/2001 | € <u>0.00</u> per share   | \$ per share                                       |
| 09/21/2001 | € <u>0.00</u> per share   | \$ <u>0</u> per share                              |
| 09/24/2001 | € <u>().00</u> per share  | \$per share  |
| 09/25/2001 | € <u>(), (i)</u> per share  | \$ per share                                       |
| 09/26/2001 | € <u>0.00</u> per share   | \$ <u>0</u> per share                              |
| 09/27/2001 | $\epsilon = 0.00$ per share   | \$ 0 per share                                     |
| 09/28/2001 | $\epsilon = 0.00$ per share   | \$ per share                                       |
| 10/01/2001 | € 2.40 per share  | \$ 2.14 per share                                  |
| 10/02/2001 | $\epsilon_{2.46}$ per share   | \$ 2.14 per share                                  |
| 10/03/2001 | € 2.40 per share  | \$ per share                                       |
| 10/04/2001 | € 2.46 per share  | \$ <u>9.14</u> per share                           |
| 10/05/2001 | € <u>2- 40</u> per share  | \$   |
| 10/08/2001 | € <u>2.40</u> per share   | \$ 2.14 per share                                  |
| 10/09/2001 | $\epsilon_{2.00}$ per share   | \$ <u>2.14</u> per share                           |
| 10/10/2001 | $\epsilon 2.40$ per share   | \$ 2.14 per share                                  |
| 10/11/2001 | € <u>2.40</u> per share   | \$ _2.ju per share                                 |
| 10/12/2001 | € <u>0.40</u> per share   | \$ 2.14 per share                                  |
| 10/15/2001 | € 2.40 per share  | \$ 2.14 per share                                  |
| 10/16/2001 | € <u>2.40</u> per share   | $\frac{2 \cdot 14}{2 \cdot 14}$ per share          |
| 10/17/2001 | € <u>2.40</u> per share   | \$ 2.14 per share                                  |
| 10/18/2001 | € <u>2.40</u> per share   | $\$ \underline{2.14}$ per share                    |

| Date                     | Amount of Inflation                                | Amount of Inflation                                  |
|--------------------------|--|--|
| Date                     | Per Ordinary Share                                 | Per ADS  |
| 10/19/2001               | € 2.40 per share                                   | \$ _2-14 per share                                   |
| 10/22/2001               | € 2.40 per share                                   | \$ 2.14 per share                                    |
| 10/23/2001               | € 2.40 per share                                   | \$ 2.14 per share                                    |
| 10/24/2001               | € 2.40 per share                                   | \$ 2.14 per share                                    |
| 10/25/2001               | € 2.40 per share                                   | \$ 2.14 per share                                    |
| 10/26/2001               | € 2-40 per share                                   | \$ 2.14 per share                                    |
| 10/29/2001               | € 2-40 per share                                   | \$ 2.14 per share                                    |
| 10/30/2001               | € 4.68 per share                                   | \$ <u>4.17</u> per share                             |
| 10/31/2001               | € 4.8% per share                                   | \$ <u>4</u> . 36 per share                           |
| 11/01/2001               | € <u>5.04</u> per share                            | \$ 4.55 per share                                    |
| 11/02/2001               | € <u>5.30</u> per share                            | \$ <u>4.74</u> per share                             |
| 11/05/2001               | € <u>5 , 5 0</u> per share                         | \$ 4.93 per share                                    |
| 11/06/2001               | € <u>5.70</u> per share                            | \$ <u>5.12</u> per share                             |
| 11/07/2001               | € <u>5 9</u> per share                             | \$ <u>5.31</u> per share                             |
| 11/08/2001               | € <u>6 · 12</u> per share                          | \$ <u>5.50</u> per share                             |
| 11/09/2001               | € <u>6.33</u> per share                            | \$ <u>5.69</u> per share                             |
| 11/12/2001               | € (1.53 per share                                  | \$ <u>5.88</u> per share                             |
| 11/13/2001               | $\epsilon$ 6.74 per share                          | $\frac{6 \cdot 67}{6 \cdot 67}$ per share            |
| 11/14/2001               | € 6.94 per share                                   | \$ 6.26 per share                                    |
| 11/15/2001               | $\frac{\epsilon}{7.15}$ per share                  | \$ 45 per share                                      |
| 11/16/2001               | $\epsilon_{\underline{7.35}}$ per share            | \$ 6.64 per share                                    |
| 11/19/2001               | $\frac{\epsilon}{2}$ $\frac{7.57}{2}$ per share    | \$ <u>(0.83</u> per share                            |
| 11/20/2001               | € 7.71 per share                                   | \$ 7.02 per share                                    |
| 11/21/2001<br>11/22/2001 | € 7.91 per share                                   | \$ 7.21 per share                                    |
| 11/22/2001               | € 0.00 per share<br>€ 8.38 per share               | \$ 7.29 per share                                    |
| 11/25/2001               |  |  |
| 11/27/2001               |  |  |
| 11/28/2001               | € <u>8.79</u> per share<br>€ <u>9.00</u> per share | \$ <u>7.27</u> per share<br>\$ <u>7.96</u> per share |
| 11/29/2001               | € 9.20 per share                                   | \$ 8.15 per share                                    |
| 11/30/2001               | € 9.41 per share                                   | \$ 6.74 per share                                    |
| 12/03/2001               | 6 9 61 per share                                   | \$ 6.55 per share                                    |
| 12/04/2001               | € 9.82 per share                                   | \$ <u>\$ .72</u> per share                           |
| 12/05/2001               | € 10.00 per share                                  | \$ 6.91 per share                                    |
| 12/06/2001               | $\epsilon_{0.00}$ per share                        | \$ 9.6 per share                                     |
| 12/07/2001               | € 10 - 00 per share                                | \$ 9.29 per share                                    |
| 12/10/2001               | € (0 (e4 per share                                 | \$ 9.48 per share                                    |
| 12/11/2001               | € 10.85 per share                                  | \$ 9.67 per share                                    |
| 12/12/2001               | € 11.00 per share                                  | \$ 9.86 per share                                    |
| 12/13/2001               | € 1(.00) per share                                 | \$ 10.00 per share                                   |
| 12/14/2001               | € 11.00 per share                                  | \$ 10-00 per share                                   |
| 12/17/2001               | € N.OD per share                                   | \$ 10.00 per share                                   |
| 12/18/2001               | € (1.00 per share                                  | \$ 10.00 per share                                   |
| 12/19/2001               | € <u>// .00</u> per share                          | \$ 10.00 per share                                   |
|                          | <del></del>  |  |

| Date       | Amount of Inflation   | Amount of Inflation   |
|------------|---|---|
|            | Per Ordinary Share  | Per ADS   |
| 12/20/2001 | € 11.00 per share   | \$ <u>10.00</u> per share   |
| 12/21/2001 | € <u> l⋅00</u> per share                                    | \$ <u>10.00</u> per share   |
| 12/24/2001 | € ll.00 per share   | \$ <u>10.00</u> per share   |
| 12/26/2001 |   | S = 0.00 per share  |
| 12/27/2001 | € <u>ll⋅00</u> per share                                    | \$ <u>10.00</u> per share   |
| 12/28/2001 | € <u>//, 00</u> per share                                   | \$ <u> 0.00</u> per share   |
| 12/31/2001 |   | \$ <u>0 · 00</u> per share  |
| 01/02/2002 | $\epsilon_{\underline{11.00}}$ per share                    | \$_i0.00 per share  |
| 01/03/2002 | € <u>// 00</u> per share                                    | \$ <u>10-00</u> per share   |
| 01/04/2002 | € <u>// . no</u> per share                                  | \$ <u>10 · 0 0</u> per share  |
| 01/07/2002 | € 10.00 per share   | \$ 8.53 per share   |
| 01/08/2002 | € <u>10.00</u> per share                                    | \$ <u>6.55</u> per share  |
| 01/09/2002 | € <u>10.60</u> per share                                    | \$ <u>0.05</u> per share  |
| 01/10/2002 | € <u>/0.00</u> per share                                    | \$ <u>Q.CC</u> per share  |
| 01/11/2002 | € <u>1.0 0 0</u> per share                                  | \$ <u>\$ .(5</u> per share  |
| 01/14/2002 | € <u>10 .00</u> per share                                   | \$ <u>{\C}</u> per share  |
| 01/15/2002 | $\underbrace{\epsilon \ 10.00}$ per share                   | \$ <u>Q.(C</u> per share  |
| 01/16/2002 | € <u>10 00</u> per share                                    | \$ <u>\( \gamma \cdot \cdot</u> |
| 01/17/2002 | € 10.00 per share   | \$ <u>g</u> , <u>G</u> per share  |
| 01/18/2002 | € <u>10 -00</u> per share                                   | \$ <u>E-55</u> per share  |
| 01/21/2002 | € <u>.0.00</u> per share                                    |   |
| 01/22/2002 | $\epsilon \underline{(0.00)}$ per share                     | \$ <u>β·ζζ</u> per share  |
| 01/23/2002 | € 10.00 per share   | \$ <u>(15</u> per share   |
| 01/24/2002 | € 10.00 per share   | \$ <u>g.st</u> per share  |
| 01/25/2002 | € 10.00 per share   | \$ <u>R-II</u> per share  |
| 01/28/2002 | € 10.00 per share   | \$ <u>(. ()</u> per share   |
| 01/29/2002 | $\epsilon_{10.00}$ per share                                | \$ <u>Q.CS</u> per share  |
| 01/30/2002 | $\in \underline{lv \cdot po}$ per share                     | \$ 8 SC per share   |
| 01/31/2002 | € 10.00 per share   | \$ <u>{ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ </u>  |
| 02/01/2002 | € [U · 00 per share   | \$ 8.55 per share   |
| 02/04/2002 | € 10-00 per share   | \$ 8.05 per share   |
| 02/05/2002 | € 10-00 per share   | \$ 8.55 per share   |
| 02/06/2002 | $\frac{\epsilon}{0.00}$ per share                           | \$ 8 00 per share   |
| 02/07/2002 | € <u>10.00</u> per share                                    | \$  |
| 02/08/2002 | $\underbrace{6 \ \underline{10.00}}_{0.00}$ per share       | F   |
| 02/11/2002 | € JO-00 per share   | \$ 8.00 per share   |
| 02/12/2002 | € 10.00 per share   | \$ <u>f SS</u> per share  |
| 02/13/2002 | $e_{10.00}$ per share                                       | \$ <u> </u>   |
| 02/14/2002 | $e_{10.00}$ per share                                       | \$ 2.55 per share   |
| 02/15/2002 | € 10.00 per share   | \$ <u>( 33</u> per share  |
| 02/18/2002 | € <u>0.00</u> per share                                     |   |
| 02/19/2002 | $ \underbrace{e  10 \cdot 00}_{\text{constant}} $ per share | \$ 8.55 per share   |
| 02/20/2002 | $\epsilon (0.00)$ per share                                 | \$ <u> </u>   |
| 02/21/2002 | € <u>10.00</u> per share                                    | \$ g. 15 per share  |

| Date                     | Amount of Inflation<br>Per Ordinary Share            | Amount of Inflation<br>Per ADS                     |
|--------------------------|--|--|
| 02/22/2002               | € <u>10.00</u> per share                             | \$_&ss_per share                                   |
| 02/25/2002               | € 10.00 per share                                    | \$ 800 per share                                   |
| 02/26/2002               | € 10.00 per share                                    | \$ 1 to per share                                  |
| 02/27/2002               | €. ID: 00 per share                                  | \$ 1 C per share                                   |
| 02/28/2002               | € 10.00 per share                                    | \$ 200 per share                                   |
| 03/01/2002               | € 10.00 per share                                    | \$ 7 13 per share                                  |
| 03/04/2002               | € 10.00 per share                                    | \$ R B per share                                   |
| 03/05/2002               | € 10-00 per share                                    | \$ 1 S per share                                   |
| 03/06/2002               | € 10.00 per share                                    | \$ 8 US per share                                  |
| 03/07/2002               | € 10.00 per share                                    | \$ 1 per share                                     |
| 03/08/2002               | € <u>/b-00</u> per share                             | \$ 8.01 per share                                  |
| 03/11/2002               | $ \epsilon 10.00 $ per share                         | \$ <u>6.CS</u> per share                           |
| 03/12/2002               | $\epsilon_{10.00}$ per share                         | \$ <u> </u>  |
| 03/13/2002               | € <u>10 00</u> per share                             | \$ <u>8 S</u> per share                            |
| 03/14/2002               | € <u>(0.00)</u> per share                            | \$ <u>k \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ </u>   |
| 03/15/2002               | € <u>(0.00</u> per share                             | \$ <u>8 (5</u> per share                           |
| 03/18/2002               | € 10.00 per share                                    | \$ per share                                       |
| 03/19/2002               | . € (0.00 per share                                  | \$ 8.17 per share                                  |
| 03/20/2002               | $\epsilon 10.00$ per share                           | \$per share  |
| 03/21/2002               | € 10.00 per share                                    | \$ % per share                                     |
| 03/22/2002               | € 10 · 00 per share                                  | \$ 6.0 per share                                   |
| 03/25/2002<br>03/26/2002 | $\epsilon = 0.00$ per share                          | \$ & O per share                                   |
| 03/27/2002               | € 10.00 per share<br>€ 10.00 per share               | \$ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \           |
| 03/28/2002               | € <u>10-00</u> per share<br>€ <u>10-00</u> per share | \$ <u>l.II</u> per share<br>\$ 8 55 per share      |
| 04/01/2002               | C_10-00 per single                                   | \$ 0.00 per share                                  |
| 04/02/2002               | € 10.00 per share                                    | \$ g · to per share                                |
| 04/03/2002               | € 10.00 per share                                    | \$ 2.0 per share                                   |
| 04/04/2002               | € 10.00 per share                                    | \$ ( . 1 per share                                 |
| 04/05/2002               | € 10.00 per share                                    | \$ g. C per share                                  |
| 04/08/2002               | € 10.00 per share                                    | \$ \( \lambda \) per share                         |
| 04/09/2002               | € 10.00 per share                                    | \$ d \ \ \ per share                               |
| 04/10/2002               | € 10.00 per share                                    | \$ \( \frac{1}{2} \cdot \text{n} \text{ per share} |
| 04/11/2002               | € 10.00 per share                                    | \$ q ( per share                                   |
| 04/12/2002               | € <u>IØ-00</u> per share                             | \$ per share .                                     |
| 04/15/2002               | € 10.00 per share                                    | \$ Q . ( per share                                 |
| 04/16/2002               | $\epsilon$ <u>t0-00</u> per share                    | \$ <u>R. TS</u> per share                          |
| 04/17/2002               | € <u>10.00</u> per share                             | \$ 8.15 per share                                  |
| 04/18/2002               | € 10.00 per share                                    | \$ 8 C per share                                   |
| 04/19/2002               | € 10.00 per share                                    | \$ 8.15 per share                                  |
| 04/22/2002               | $\epsilon 10.00$ per share                           | \$ 8 JJ per share                                  |
| 04/23/2002               | € [0.00] per share                                   | \$ <u>R. C.</u> per share                          |
| 04/24/2002               | $\epsilon t 0.00$ per share                          | \$ & Comper share                                  |
| 04/25/2002               | $\in \underline{10.00}$ per share                    | \$ <u>&amp; C</u> per share                        |

| Date                     | Amount of Inflation                                | Amount of Inflation                                  |
|--------------------------|--|--|
| al .                     | Per Ordinary Share                                 | Per ADS  |
| 04/26/2002               | € 10.00 per share                                  | \$ 8.53 per share                                    |
| 04/29/2002               | € 10.00 per share                                  | S & C per share                                      |
| 04/30/2002               | € 10.00 per share                                  | \$ & . s per share                                   |
| 05/01/2002               | •  | \$0.00 per share                                     |
| 05/02/2002               | €(0.00_ per share                                  | \$ 8.05 per share                                    |
| 05/03/2002               | € 9-00 per share                                   | \$ 7.85 per share                                    |
| 05/06/2002               | € <u>9.00</u> per share                            | \$ 7.85 per share                                    |
| 05/07/2002               | € <u>9.00</u> per share                            | \$ 7.85 per share                                    |
| 05/08/2002               | € <u>9.50</u> per share                            | \$ <u>7.85</u> per share                             |
| 05/09/2002               | € <u>9.00</u> per share                            | \$ <u>7. &amp;</u> per share                         |
| 05/10/2002               | € <u>9.00</u> per share                            | \$ _ 7.65 per share                                  |
| 05/13/2002               | € <u>9.00</u> per share                            | \$ _ 7. <u>R</u> C per share                         |
| 05/14/2002               | € <u>4.00</u> per share                            | \$ <u>7. 65</u> per share                            |
| 05/15/2002               | € <u>9.00</u> per share                            | \$ _ 7.85 per share                                  |
| 05/16/2002               | € <u>9.00</u> per share                            | \$ 7.81 per share                                    |
| 05/17/2002               | € <u>9.00</u> per share                            | \$ 1. KC per share                                   |
| 05/20/2002               | € <u>9.00</u> per share                            | \$ 7.85 per share                                    |
| 05/21/2002               | € <u>9.00</u> per share                            | \$ 7.65 per share                                    |
| 05/22/2002               | € <u>9.00</u> per share                            | \$ <u>7.65</u> per share                             |
| 05/23/2002               | € <u>9.00</u> per share                            | \$ 1.65 per share                                    |
| 05/24/2002               | € <u>9.00</u> per share                            | \$ _7.85 per share                                   |
| 05/27/2002               | € <u><b>Ø</b>-00</u> per share                     | 2 2 600  |
| 05/28/2002               | € <u>9. r0</u> per share                           | \$ 7.85 per share                                    |
| 05/29/2002               | $\epsilon_{\underline{a.60}}$ per share            | \$ 1.85 per share                                    |
| 05/30/2002               | € 9.00 per share                                   | \$ 7.00 per share                                    |
| 05/31/2002<br>06/03/2002 | € 9 50 per share                                   | \$ 7.85 per share                                    |
| 06/03/2002               | € <u>a.00</u> per share                            | \$ 7.86 per share                                    |
| 06/05/2002               | € <u>9.00</u> per share<br>€ 9.00 per share        | \$ 7.85 per share<br>\$ 7.85 per share               |
| 06/06/2002               |  |  |
| 06/07/2002               |  | \$ 7.80 per share<br>\$ 7.85 per share               |
| 06/10/2002               | € 9.00 per share<br>€ 9.00 per share               |  |
| 06/10/2002               |  | \$ <u>7.83</u> per share<br>\$ <u>7.83</u> per share |
| 06/12/2002               | € <u>9.00</u> per share<br>€ <u>9.00</u> per share | \$ 7.85 per share                                    |
| 06/13/2002               | $ \epsilon \frac{-7.00}{9.00} $ per share          | \$ 7.85 per share                                    |
| 06/14/2002               | € 9.00 per share                                   | \$ 7.86 per share                                    |
| 06/17/2002               | € 0.00 per share                                   | \$ 7.85 per share                                    |
| 06/18/2002               | € a.00 per share                                   | \$ 7.85 per share                                    |
| 06/19/2002               | € <u>9.00</u> per share                            | \$ 1-85 per share                                    |
| 06/20/2002               | € q.00 per share                                   | \$ 9: % per share                                    |
| 06/21/2002               | € Ø•00 per share                                   | \$ /. 9/ per share                                   |
| 06/24/2002               | € 4.21 per share                                   | \$ 5.17 per share                                    |
| 06/25/2002               | € (4.2) per share                                  | \$ 5:17 per share                                    |
| 06/26/2002               | € 7-00 per share                                   |  |
| 00/20/2002               | c t-no her snate                                   | \$ 5.63 per share                                    |

| and refer to the |  | <del>(1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -</del> |
|------------------|--|---|
| Date             | Amount of Inflation  | Amount of Inflation                                 |
|                  | Per Ordinary Share   | Per ADS   |
| 06/27/2002       | € 7.00 per share   | \$ <u>5.60</u> per share                            |
| 06/28/2002       | € 7.00 per share   | \$ .5.63 per share                                  |
| 07/01/2002       | € 7.00 per share   | \$ 5.63 per share                                   |
| 07/02/2002       | € <u>7.00</u> per share  | \$ 5.63 per share                                   |
| 07/03/2002       | € 4.50 per share   | \$ <u>3.55</u> per share                            |
| 07/04/2002       | € 0.00 per share   |   |
| 07/05/2002       | € 2.92 per share   | \$ <u>2.49</u> per share                            |
| 07/08/2002       | € 2-42 per share   | \$ <u>2.49</u> per share                            |
| 07/09/2002       | € 2.92 per share   | \$ 2.49 per share                                   |
| 07/10/2002       | € 2.47 per share   | \$ along per share                                  |
| 07/11/2002       | € 2417 per share   | 2.07 per share                                      |
| 07/12/2002       | € 2.47 per share   | \$ 2.07 per share                                   |
| 07/15/2002       | € 1.75 per share   | \$ 2.00 per share                                   |
| 07/16/2002       | € 1.75 per share   | $2 \cdot 67$ per share                              |
| 07/17/2002       | € 1.75 per share   | $\frac{2-0.7}{2}$ per share                         |
| 07/18/2002       | € 1.9℃ per share   | \$ 2.01 per share                                   |
| 07/19/2002       | € 1.75 per share   | \$ <u>2-07</u> per share                            |
| 07/22/2002       | € 1.75 per share   | \$ <u>2.07</u> per share                            |
| 07/23/2002       | € <u>1.75</u> per share  | \$ <u>2 07</u> per share                            |
| 07/24/2002       | € <u>1.75</u> per share  | \$ <u>2-07</u> per share                            |
| 07/25/2002       | € <u>/. 75</u> per share   | \$ <u>2-07</u> per share                            |
| 07/26/2002       | € 1.75 per share   | $$\frac{2 \cdot 0.7}{2}$ per share$                 |
| 07/29/2002       | € <u>1.75</u> per share  | \$ <u>2.07</u> per share                            |
| 07/30/2002       | € <u>1.15</u> per share  | \$ <u>2 · 07</u> per share                          |
| 07/31/2002       | € 1.75 per share   | \$ <u>2.07</u> per share                            |
| 08/01/2002       | € <u>[.75</u> per share  | $\frac{2.07}{2.07}$ per share                       |
| 08/02/2002       | € <u>1.75</u> per share  | \$ <u>2-07</u> per share                            |
| 08/05/2002       | € 1.75 per share   | \$ <u> </u>   |
| 08/06/2002       | € 1.75 per share   | \$ <u>2.07</u> per share                            |
| 08/07/2002       | € 1.75 per share   | \$ <u>2.07</u> per share                            |
| 08/08/2002       | € 1.1€ per share   | \$ <u>_2-07</u> per share                           |
| 08/09/2002       | $\epsilon_{\underline{},\underline{},\underline{},\underline{}}$ per share | \$ <u>2.07</u> per share                            |
| 08/12/2002       | € 1.75 per share   | \$ <u>2-07</u> per share                            |
| 08/13/2002       | € <u>i · 75</u> per share  | \$ <u>_2. 07</u> per share                          |
| 08/14/2002       | € <i>O</i> per share   | \$ <u>O</u> per share                               |

PLEASE PROCEED TO QUESTION NO. 59.

#### Question No. 59:

If you checked "Knowingly" in Questions 1B through 57B for all alleged misstatements or omissions, please proceed to Question No. 59.

If you checked "Recklessly" in Question No. 1B through 57B for any of the alleged misstatements or omissions, you must determine what percentage of responsibility, if any, to assign to each defendant whom you found to have committed a Section 10(b) violation. In making this determination, you should consider the nature of the conduct of each person found to have caused or contributed to plaintiffs' loss, and the nature and extent of the causal relationship between each such person's conduct and plaintiffs' loss.

| Vivenđi     | 160 | _%  |
|-------------|-----|-----|
| Mr. Messier | 0   | _ % |
| Mr. Hannezo | 0   | _ % |
| TOTAL       | 100 | %   |

PLEASE PROCEED TO QUESTION NO. 60.

#### Question No. 60:

With respect to the Section 20(a) claim, have plaintiffs proven that defendant Mr. Messier is secondarily liable as a controlling person of Vivendi?

Yes \_\_\_\_ No \_\_\_\_

PLEASE PROCEED TO QUESTION NO. 61.

| Q | u | <u>estion</u> | No. | 61: |  |  |
|---|---|---------------|-----|-----|--|--|
|   | 1 | i             |     |     |  |  |

With respect to the Section 20(a) claim, have plaintiffs proven that defendant Mr. Hannezo is secondarily liable as a controlling person of Vivendi?

Yes \_\_\_ No

PLEASE PROCEED TO THE NEXT PAGE.

### **VERIFICATION**

Please sign your names on the lines below, fill in the date, and inform the Marshal that you have reached a verdict after all jurors have signed below.

| 1. |                       |  |
|----|-----------------------|--|
| 2. | anne L. Prinitage #2  |  |
| 3. | Kawell Channes: #-3   |  |
| 4. | Mirion Harazi #4      |  |
| 5. | Alberto Jok #5        |  |
| 6. | Wanda Sand - # (0     |  |
| 7. | Soften mater #7       |  |
| 8. | Manues Lee Waller # 8 |  |
| 9. | Maylor tanara # 9     |  |

Dated: January 29, 2010.

# Tab 3:

In re Apollo Group Inc. Securities Litig., No. 2:04-cv-02147-JAT (D. Ariz. Jan. 16, 2008), Jury Instructions

| 1  | SECTION   | 10(b) CLAIM AGAINST APOLLO  |  |
|----|---|---|--|
| 2  | 1. I  | Did Apollo make an untrue statement of a material fact or omit a material fact  |  |
| 3  | necessary 1   | under the circumstances to keep the statements that were made from being        |  |
| 4  | misleading  | ?   |  |
| 5  | A)  | The Press Release of Apollo Group, Inc., dated February 27, 2004:               |  |
| 6  |   | Yes: X No:  |  |
| 7  | B)  | The Analyst Conference on March 12, 2004:                                       |  |
| 8  |   | Yes: No:  |  |
| 9  | C)  | The Form 10-Q dated April 13, 2004:   |  |
| 10 |   | Yes: X No:  |  |
| 11 | D)  | The Analyst Conference Call on June 24, 2004:                                   |  |
| 12 |   | Yes: _X_ No:  |  |
| 13 | E)  | The Analyst Conference Call on August 25, 2004:                                 |  |
| 14 |   | Yes: No:  |  |
| 15 | F)  | The Analyst Conference Call on September 7, 2004:                               |  |
| 16 |   | Yes: No:  |  |
| 17 |   |   |  |
| 18 | If yo   | ou answered all parts of Question 1 "no," leave Questions 2, 3, and 4 blank and |  |
| 19 | -   | Question 5. If you answered Question 1 "yes" as to any statement, answer        |  |
| 20 | Question 2 as to that statement. Do not answer Question 2 for any statement for which you |   |  |
| 21 | answered (  | Question 1 "no."  |  |
| 22 |   |   |  |
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| - 1 |              |   |
|-----|--------------|---|
| 1   | 2. Fo        | or any statement as to which a "yes" answer was given in Question 1, did Apollo |
| 2   | act knowing  | ly or recklessly with respect to that misrepresentation or omission?            |
| 3   | A)           | The Press Release of Apollo Group, Inc., dated February 27, 2004:               |
| 4   |              | Yes: No:  |
| 5   | B)           | The Analyst Conference on March 12, 2004:                                       |
| 6   |              | Yes: No:  |
| 7   | C)           | The Form 10-Q dated April 13, 2004:   |
| 8   |              | Yes: No:  |
| 9   | D)           | The Analyst Conference Call on June 24, 2004:                                   |
| 10  |              | Yes: No:  |
| 11  | E)           | The Analyst Conference Call on August 25, 2004:                                 |
| 12  |              | Yes: No:  |
| 13  | F)           | The Analyst Conference Call on September 7, 2004:                               |
| 14  |              | Yes: No:  |
| 15  |              |   |
| 16  | If you       | answered Question 2 "no" as to all statements left over from Question 1, leave  |
| 17  | Questions 3  | and 4 blank and proceed to Question 5. If you answered Question 2 "yes" as to   |
| 18  | any statemen | nt, answer Question 3 as to that statement. Do not answer Question 3 for any    |
| 19  | statement fo | or which you answered Question 2 "no."  |
| 20  |              |   |
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| 1  | 3. 1         | For any statement as to which a "yes" answer was given in Question 2, more     |
|----|--------------|--|
| 2  | specifically | , did Apollo act knowingly with respect to that misrepresentation or omission? |
| 3  | A)           | The Press Release of Apollo Group, Inc., dated February 27, 2004:              |
| 4  |              | Yes: _X No:  |
| 5  | B)           | The Analyst Conference on March 12, 2004:                                      |
| 6  |              | Yes: No:   |
| 7  | C)           | The Form 10-Q dated April 13, 2004:  |
| 8  |              | Yes: No:   |
| 9  | D)           | The Analyst Conference Call on June 24, 2004:                                  |
| 10 |              | Yes: X No:   |
| 11 | E)           | The Analyst Conference Call on August 25, 2004:                                |
| 12 |              | Yes: X No:   |
| 13 | F)           | The Analyst Conference Call on September 7, 2004:                              |
| 14 | :            | Yes: No:   |
| 15 |              |  |
| 16 | Proc         | ceed to Question 4.  |
| 17 |              |  |
| 18 |              |  |
| 19 |              |  |
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| 1  | 4. F        | For any statement as to which a "yes" answer was given in Question 2, did that |
|----|-------------|--|
| 2  | misreprese  | ntation or omission cause the plaintiff to suffer damages? (By answering this  |
| 3  | question in | the affirmative, you are finding that Apollo violated the securities laws.)    |
| 4  | A)          | The Press Release of Apollo Group, Inc., dated February 27, 2004:              |
| 5  |             | Yes: No:   |
| 6  | B)          | The Analyst Conference on March 12, 2004:                                      |
| 7  |             | Yes: X No:   |
| 8  | C)          | The Form 10-Q dated April 13, 2004:  |
| 9  | ·           | Yes: No:   |
| 10 | D)          | The Analyst Conference Call on June 24, 2004:                                  |
| 11 |             | Yes: No:   |
| 12 | E)          | The Analyst Conference Call on August 25, 2004:                                |
| 13 |             | Yes: No:   |
| 14 | F)          | The Analyst Conference Call on September 7, 2004:                              |
| 15 |             | Yes: No:   |
| 16 |             |  |
| 17 | Proc        | ceed to Question 5.  |
| 18 |             |  |
| 19 |             |  |
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| 25 |             |  |

| 1  | SECTION  | N 10(b) CLAIM AGAINST TODD NELSON   |  |  |  |
|----|--|---|--|--|--|
| 2  | 5. Did Todd Nelson make an untrue statement of a material fact or omit a materia |   |  |  |  |
| 3  | fact necess  | sary under the circumstances to keep the statements that were made from being   |  |  |  |
| 4  | misleading   | g?  |  |  |  |
| 5  | A)   | The Press Release of Apollo Group, Inc., dated February 27, 2004:               |  |  |  |
| 6  |  | Yes: X No:  |  |  |  |
| 7  | B)   | The Analyst Conference on March 12, 2004:                                       |  |  |  |
| 8  |  | Yes: _X No:   |  |  |  |
| 9  | C)   | The Form 10-Q dated April 13, 2004:   |  |  |  |
| 10 |  | Yes: No:  |  |  |  |
| 11 | D)   | The Analyst Conference Call on June 24, 2004:                                   |  |  |  |
| 12 |  | Yes: No:  |  |  |  |
| 13 | E)   | The Analyst Conference Call on August 25, 2004:                                 |  |  |  |
| 14 |  | Yes: No:  |  |  |  |
| 15 | F)   | The Analyst Conference Call on September 7, 2004                                |  |  |  |
| 16 |  | Yes: No:  |  |  |  |
| 17 |  |   |  |  |  |
| 18 | If yo  | ou answered all parts of Question 5 "no," leave Questions 6, 7, and 8 blank and |  |  |  |
| 19 | proceed to   | Question 9. If you answered Question 5 "yes" as to any statement, answer        |  |  |  |
| 20 | Question 6   | as to that statement. Do not answer Question 6 for any statement for which you  |  |  |  |
| 21 | answered (   | Question 5 "no."  |  |  |  |
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| 1    | 6 5        | For any statement as to which a "yes" answer was given in Question 5, did Todd    |
|------|------------|---|
|      |            |   |
| 2    |            | knowingly or recklessly with respect to that misrepresentation or omission?       |
| 3    | A)         | The Press Release of Apollo Group, Inc., dated February 27, 2004:                 |
| 4    |            | Yes: No:  |
| 5    | B)         | The Analyst Conference on March 12, 2004:   |
| 6    |            | Yes: X No:  |
| 7    | C)         | The Form 10-Q dated April 13, 2004:   |
| 8    |            | Yes: No:  |
| 9    | D)         | The Analyst Conference Call on June 24, 2004:                                     |
| 10   |            | Yes: No:  |
| 11   | E)         | The Analyst Conference Call on August 25, 2004:                                   |
| 12   |            | Yes: No:  |
| 13   | F)         | The Analyst Conference Call on September 7, 2004:                                 |
| 14   |            | Yes: No:  |
| 15   |            |   |
| 16   | If yo      | ou answered Question 6 "no" as to all statements left over from Question 5, leave |
| 17   | Question 7 | and 8 blank and proceed to Question 9. If you answered Question 6 "yes" as to     |
| 18   |            | ent, answer Question 7 as to that statement. Do not answer Question 7 for any     |
| 19   | •          | or which you answered Question 6 "no."  |
| 20   |            |   |
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| 25   |            |   |
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| 28 ∦ |            | -6-   |

| 1  | 7. Fo         | or any statement as to which a "yes" answer was given in Question 6, more |
|----|---------------|---|
| 2  | specifically, | did Todd Nelson act knowingly with respect to that misrepresentation or   |
| 3  | omission?     |   |
| 4  | A)            | The Press Release of Apollo Group, Inc., dated February 27, 2004:         |
| 5  |               | Yes: No:  |
| 6  | B)            | The Analyst Conference on March 12, 2004:                                 |
| 7  |               | Yes: X No:  |
| 8  | C)            | The Form 10-Q dated April 13, 2004:                                       |
| 9  |               | Yes: No:  |
| 10 | D)            | The Analyst Conference Call on June 24, 2004:                             |
| 11 |               | Yes: X No:  |
| 12 | E)            | The Analyst Conference Call on August 25, 2004:                           |
| 13 |               | Yes: No:  |
| 14 | F)            | The Analyst Conference Call on September 7, 2004:                         |
| 15 |               | Yes: No:  |
| 16 |               |   |
| 17 | Proce         | eed to Question 8.  |
| 18 |               |   |
| 19 |               |   |
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| 1  | 8. Fc         | or any statement as to which a "yes" answer was given    | in Question 6, did that  |
|----|---------------|--|--------------------------|
| 2  | misrepresent  | tation or omission cause the plaintiff to suffer damage  | s? (By answering this    |
| 3  | question in t | the affirmative, you are finding that Todd Nelson violat | ed the securities laws.) |
| 4  | A)            | The Press Release of Apollo Group, Inc., dated Febru     | ary 27, 2004:            |
| 5  |               | Yes: No:   |                          |
| 6  | B)            | The Analyst Conference on March 12, 2004:                |                          |
| 7  |               | Yes: No:   |                          |
| 8  | C)            | The Form 10-Q dated April 13, 2004:                      |                          |
| 9  |               | Yes: No:   |                          |
| 10 | D)            | The Analyst Conference Call on June 24, 2004:            |                          |
| 11 |               | Yes: No:   |                          |
| 12 | E)            | The Analyst Conference Call on August 25, 2004:          |                          |
| 13 |               | Yes: No:   |                          |
| 14 | F)            | The Analyst Conference Call on September 7, 2004:        | •                        |
| 15 |               | Yes: No:   |                          |
| 16 |               |  |                          |
| 17 | Proce         | eed to Question 9.                                       |                          |
| 18 |               |  |                          |
| 19 |               |  |                          |
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| 25 | i             |  |                          |
| 26 |               |  |                          |

| 1  | SECTION 10(b) CLAIM AGAINST KENDA GONZALES  |
|----|---|
| 2  | 9. Did Kenda Gonzales make an untrue statement of a material fact or omit a material        |
| 3  | fact necessary under the circumstances to keep the statements that were made from being     |
| 4  | misleading?   |
| 5  | A) The Press Release of Apollo Group, Inc., dated February 27, 2004:                        |
| 6  | Yes: X No:  |
| 7  | B) The Form 10-Q dated April 13, 2004:  |
| 8  | Yes: No:  |
| 9  |   |
| 10 | If you answered all parts of Question 9 "no," leave Questions 10, 11, and 12 blank and      |
| 11 | proceed to Question 13. If you answered Question 9 "yes" as to any statement, answer        |
| 12 | Question 10 as to that statement. Do not answer Question 10 for any statement for which you |
| 13 | answered Question 9 "no."   |
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|-----|----------------|------------------|-------------------|---------------------|--------------------|----------------|
| 1   |                |                  |                   | es" answer was g    |                    |                |
| 2   | Gonzales act   | knowingly or 1   | ecklessly with r  | espect to that mis  | srepresentation of | or omission?   |
| 3   | A)             | The Press Rel    | ease of Apollo (  | Group, Inc., dated  | l February 27, 2   | 004:           |
| 4   |                | Yes: X           | No:               | -                   |                    |                |
| 5   | B).            | The Form 10-     | Q dated April 13  | 3, 2004:            |                    |                |
| 6   |                | Yes: X           | No:               | -                   |                    |                |
| 7   |                |                  |                   |                     |                    |                |
| 8   |                |                  |                   | o all statements le |                    |                |
| 9   |                |                  |                   | uestion 13. If yo   |                    |                |
| 10  | as to any stat | ement, answer    | Question 11 as to | that statement.     | Do not answer Q    | uestion 11 for |
| 11  | any statemer   | nt for which you | u answered Que    | stion 10 "no."      |                    |                |
| 12  |                |                  |                   |                     |                    |                |
| 13  |                |                  |                   |                     |                    |                |
| 14  |                |                  |                   |                     |                    |                |
| 15  |                |                  |                   |                     |                    |                |
| 16  |                |                  |                   |                     |                    |                |
| 17  |                |                  |                   |                     |                    |                |
| 18  |                |                  |                   |                     |                    |                |
| 19  |                |                  |                   |                     |                    |                |
| 20  |                |                  |                   |                     |                    |                |
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| 22  |                |                  |                   |                     |                    |                |
| 23  |                |                  |                   |                     |                    |                |
| 24  |                |                  |                   |                     |                    |                |
| 25  |                |                  |                   |                     |                    |                |
| 26  |                |                  |                   |                     |                    |                |
| 27  |                |                  |                   |                     |                    |                |
| 28  | II.            |                  |                   | 10                  |                    |                |

| 1  |               |                 | at as to which a "ye |                    |            |         |         |
|----|---------------|-----------------|----------------------|--------------------|------------|---------|---------|
| 2  | specifically, | did Kenda Gon   | zales act knowing    | ly with respect to | that misre | present | ation o |
| 3  | omission?     |                 |                      |                    |            |         |         |
| 4  | A)            | The Press Rele  | ease of Apollo Gro   | up, Inc., dated Fe | bruary 27, | 2004:   |         |
| 5  |               | Yes: X          | No:                  |                    |            |         |         |
| 6  | B)            |                 | Q dated April 13, 2  | 2004:              |            |         |         |
| 7  |               | Yes: <u>X</u>   | No:                  |                    |            |         |         |
| 8  |               |                 |                      |                    |            |         |         |
| 9  | Proc          | eed to Question | 12.                  |                    |            |         |         |
| 10 |               |                 |                      |                    |            |         |         |
| 11 |               |                 |                      |                    |            |         |         |
| 12 |               |                 |                      |                    |            |         |         |
| 13 |               |                 |                      |                    |            |         |         |
| 14 |               |                 |                      |                    |            |         |         |
| 15 |               |                 |                      |                    |            |         |         |
| 16 |               |                 |                      |                    |            |         |         |
| 17 |               |                 |                      |                    |            |         |         |
| 18 |               |                 |                      |                    |            |         |         |
| 19 |               |                 |                      |                    |            |         |         |
| 20 |               |                 |                      |                    |            |         |         |
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| 23 |               |                 |                      |                    |            |         |         |
| 24 |               |                 |                      |                    |            |         |         |
| 25 |               |                 |                      |                    |            |         |         |
| 26 |               |                 |                      |                    |            |         |         |
| 27 |               |                 |                      |                    |            |         |         |

| 1   |               | For any statemen   |              |             |             |            |             |   |
|-----|---------------|--------------------|--------------|-------------|-------------|------------|-------------|---|
| 2   |               | ntation or omiss   |              |             |             |            |             |   |
| 3   | question in 1 | the affirmative, y |              |             |             |            |             |   |
| 4   | A)            | The Press Rel      | lease of Apo | ollo Group  | p, Inc., da | ted Februa | ry 27, 2004 | • |
| 5   |               | Yes: X             | No:          | <del></del> | ×1.4        |            |             |   |
| 6   | B)            | The Form 10-       | -Q dated Ap  | ril 13, 20  | 04:         |            |             |   |
| 7   |               | Yes: K             | No:          |             |             |            |             |   |
| 8   |               |                    |              |             |             |            |             |   |
| 9   | Proc          | eed to Question    | 13.          |             | •           |            |             |   |
| 10  |               |                    |              |             |             |            |             |   |
| 11  |               |                    |              |             |             |            |             |   |
| 12  |               |                    |              |             |             |            |             |   |
| 13  | *.            |                    |              |             |             |            |             |   |
| 14  | ,             |                    |              |             |             |            |             |   |
| 15  |               |                    |              |             |             |            |             |   |
| 16  |               |                    |              |             |             |            |             |   |
| 17  |               |                    |              |             |             |            |             |   |
| 18  |               |                    |              |             |             |            |             |   |
| 19  |               |                    |              |             |             |            |             |   |
| 20  | 1             |                    |              |             |             |            |             |   |
| 21  |               |                    |              |             |             |            |             |   |
| 22  |               |                    |              |             |             |            |             |   |
| 23  |               |                    |              |             |             |            |             |   |
| 24  |               |                    |              |             |             |            |             |   |
| 25  |               |                    |              |             |             |            |             |   |
| 26  |               |                    |              |             |             |            |             |   |
| / / | 11            |                    |              |             |             |            |             |   |

## SECTION 20(a) CLAIM AGAINST TODD NELSON

Answer Question 13 only if you answered Question 4 "yes." If you answered "no" to Question 4 or left it blank, leave Questions 13 and 14 blank and proceed to Question 15.

13. Did Todd Nelson possess, directly or indirectly, the actual power to direct or cause the direction of the management and policies of Apollo?

Yes: No: \_\_\_\_

Proceed to Question 14.

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| 1        | 14. Did the defendants prove by a preponderance of the evidence both that Todo                  |
|----------|---|
| 2        | Nelson did not directly or indirectly induce Apollo's violation of the securities laws and that |
| 3        | he acted in good faith as that term is defined in the jury instructions?                        |
| 4        | Yes: No: <u>X</u>   |
| 5        |   |
| 6        | Proceed to Question 15.   |
| 7        |   |
| 8        |   |
| 9        |   |
| 10       |   |
| 11       |   |
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| 21       |   |
| 22       |   |
| 23       |   |
| 24       |   |
| 25<br>26 |   |
| 20<br>27 |   |
| -/       |   |

| 1  | Answer Question 15 only            | if you answ      | ered Quest    | ion 12 "yes." I | f you answered    |
|----|------------------------------------|------------------|---------------|-----------------|-------------------|
| 2  | "no" to Question 12 or left it bla | ank, leave Q     | uestions 15   | 5 and 16 blank  | and proceed to    |
| 3  | Question 17.                       |                  |               |                 |                   |
| 4  |                                    |                  |               |                 |                   |
| 5  | 15. Did Todd Nelson posse          | ess, directly or | r indirectly, | the actual powe | r to direct Kenda |
| 6  | Gonzales?                          |                  |               |                 |                   |
| 7  | Yes: K                             | No:              |               |                 |                   |
| 8  |                                    |                  |               |                 |                   |
| 9  | Proceed to Question 16.            |                  |               |                 |                   |
| 10 |                                    |                  |               |                 |                   |
| 11 |                                    |                  |               |                 |                   |
| 12 |                                    |                  | ·             |                 |                   |
| 13 |                                    |                  |               |                 |                   |
| 14 |                                    |                  |               |                 |                   |
| 15 |                                    |                  |               |                 |                   |
| 16 |                                    |                  |               |                 |                   |
| 17 |                                    |                  |               |                 |                   |
| 18 |                                    |                  |               |                 |                   |
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| 23 |                                    |                  |               |                 |                   |
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| 25 |                                    |                  |               |                 |                   |
| 26 |                                    |                  |               |                 |                   |
| 27 |                                    |                  |               |                 |                   |

28

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| 1  | 16. Did the defendants pro            | ve by a pi   | eponder | ance of the ev   | idence both    | that Todd   |
|----|---------------------------------------|--------------|---------|------------------|----------------|-------------|
| 2  | Nelson did not directly or indirectly | induce Ke    | nda Gon | zales's violatio | on of the secu | rities laws |
| 3  | and that he acted in good faith as th | at term is   | defined | in the jury inst | ructions?      |             |
| 4  | Yes:                                  | No: <u>X</u> |         |                  |                |             |
| 5  |                                       |              |         |                  |                |             |
| 6  | Proceed to Question 17.               |              |         |                  |                |             |
| 7  |                                       |              |         |                  |                |             |
| 8  | -                                     |              |         |                  |                |             |
| 9  |                                       |              |         |                  |                |             |
| 10 |                                       |              |         |                  |                |             |
| 11 |                                       |              |         |                  |                |             |
| 12 |                                       |              |         |                  |                |             |
| 13 |                                       |              |         |                  |                |             |
| 14 |                                       |              |         |                  |                |             |
| 15 |                                       |              |         |                  |                |             |
| 16 |                                       |              |         |                  |                |             |
| 17 |                                       |              |         |                  |                |             |
| 18 |                                       |              |         |                  |                |             |
| 19 |                                       |              |         |                  |                |             |
| 20 |                                       |              |         |                  |                |             |
| 21 |                                       |              |         |                  |                |             |
| 22 |                                       |              |         |                  |                |             |
| 23 |                                       |              |         |                  |                |             |
| 24 |                                       |              |         |                  |                |             |
| 25 |                                       |              |         |                  |                |             |
| 26 |                                       |              |         |                  |                |             |

27

28

Answer Question 17 only if you answered "yes" to Questions 4, 8, or 12. If you answered "no" to each of these questions or left them blank, sign and return the verdict form without answering any further questions.

17. Specify the total amount of damages per share that the plaintiff suffered as a result of the misrepresentation(s) or omission(s):

\$ 5.55 per share

Proceed to Question 18.

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(Presiding Juror Number)

| 18. What is           | the percentage of resp  | onsibility for | the plaintiff's | loss that you  | assign to   |
|-----------------------|-------------------------|----------------|-----------------|----------------|-------------|
| each defendant who    | m you found in answe    | rs to Question | ns 4, 8, and/or | 12 to have vi  | olated the  |
| securities laws?      | The total must add u    | p to 100%.     | In determin     | ing the perc   | entage of   |
| responsibility for ea | ch such defendant, yo   | ou must consi  | der: (1) the na | ature of the c | onduct of   |
| each defendant four   | id to have caused or co | ontributed to  | the loss incurr | ed by the pla  | intiff; and |
| (2) the nature and e  | xtent of the causal rel | ationship bet  | ween the cond   | duct of each   | defendant   |
| and the damages in    | curred by the plaintiff | •              |                 |                |             |
|                       | <u>Percentage</u>       |                |                 |                |             |
| Apollo                | 60                      |                |                 |                |             |
| Todd Nelson           | 30                      |                |                 |                |             |
| Kenda Gonzales        | _10_                    |                |                 |                |             |
|                       | = 100% Total            | L              |                 |                |             |
|                       |                         |                |                 |                |             |
| Sign and retu         | arn this form.          |                |                 |                |             |
|                       |                         |                |                 |                |             |
|                       |                         |                |                 |                |             |
|                       |                         | ٠.             |                 |                |             |
|                       |                         |                |                 |                |             |
|                       |                         |                |                 |                |             |
|                       |                         |                |                 |                |             |
|                       |                         |                |                 |                |             |
|                       |                         |                |                 |                |             |
|                       | *                       |                |                 |                |             |
|                       |                         |                |                 |                |             |

(Date)

## Tab 4:

Jaffe v. Household Int'l, No. 02-cv-05893-RAG (N.D. Ill. May 7, 2009),
Jury Instructions

ar Tar

Verdict Form

o2 cv 5893

| DIES 3          |  |   |   |
|-----------------|--|---|---|
| SIL CHILD       | Question No. 1   | Ouestion No. 2  | Ouestion No. 3  |
|                 | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5        | If you answered "yes" for any of the statements in Question No. 1, identify the | For each issue identified in Question No. 2, indicate whether the defendant acted |
|                 | claim with regard to any of<br>the statements set forth in | issue or issues that the statement misrepresented by placing an "X" on the      | knowingly or recklessly (choose one) in making the statement about the issue by   |
|                 | Table A?   | appropriate line(s). (more than one line can be checked):                       | placing an "X" on the appropriate line.   |
| Statement No. 1 |  |   |   |
| Household       | YesNo_X  | 2+ Delinquency/Re-Aging   | Knowingly Recklessly  |
|                 |  | Restatement   | Knowingly Recklessly  |
| Gilmer          | Yes_NoX  | 2+ Delinquency/Re-Aging   | Knowingly Recklessly  |
|                 |  | Restatement   | Knowingly Recklessly  |
| Schoenholz      | YesNoX_  | 2+ Delinquency/Re-Aging   | Knowingly Recklessly  |
|                 |  | Restatement   | Knowingly Recklessly  |
| Aldinger        | YesNoX_  | 2+ Delinquency/Re-Aging   | Knowingly Recklessly  |
|                 |  | Restatement   | Knowingly Recklessly  |

\_

| For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line.                            |                 |                   | Knowingly Recklessly Knowingly Recklessly — | Knowingly Recklessly | Knowingly Recklessly    | Knowingly Recklessly | Knowingly Recklessly | Knowingly Recklessly    | Knowingly Recklessly | Knowingly Recklessly | Knowingly Recklessly    | Knowingly Recklessly |
|--|-----------------|-------------------|---|----------------------|-------------------------|----------------------|----------------------|-------------------------|----------------------|----------------------|-------------------------|----------------------|
| Ouestion No. 2  If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): |                 | Predatory Lending | 2+ Delinquency/Re-Aging<br>Restatement      | Predatory Lending    | 2+ Delinquency/Re-Aging | Restatement          | Predatory Lending    | 2+ Delinquency/Re-Aging | Restatement          | Predatory Lending    | 2+ Delinquency/Re-Aging | Restatement          |
| Ouestion No. 1  Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A?   |                 | YesNoX_           | AMERICA PROPERTY                            | Yes No_X             |                         |                      | Yes_ No X            |                         | ,                    | Yes_No               |                         |                      |
|  | Statement No. 2 | Household         |   | Gilmer               |                         |                      | Schoenholz           |                         |                      | Aldinger             |                         |                      |

|                 | Ouestion No. 1   | Question No. 2   | Ouestion No. 3  |
|-----------------|--|--|---|
|                 | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 3 |  |  |   |
| Household       | Yes No X   | 2+ Delinquency/Re-Aging  | Knowingly Recklessly  |
|                 | · · · · · · · · · · · · · · · · · · ·  | Restatement  | Knowingly Recklessly  |
| Gilmer          | Yes_NoX  | 2+ Delinquency/Re-Aging  | Knowingly Recklessly  |
|                 | Villa, dava miner v. p.  | Restatement  | Knowingly Reckiessly  |
| Schoenholz      | Yes_No_X   | 2+ Delinquency/Re-Aging  | Knowingly Recklessly  |
|                 |  | Restatement  | Knowingly Recklessly  |
| Aldinger        | Yes_No_  | 2+ Delinquency/Re-Aging  | Knowingly Recklessly  |
|                 |  | Restatement  | Knowingly Recklessly  |

| Household Yes No X Predatory Lending Gilmer Yes No X Predatory Lending Schoenholz Yes No X Predatory Lending Yes No X Y You wingly Yecklessly Yes No X Predatory Lending Yes No X Y You wingly Yecklessly Yes No X Predatory Lending Yes No X Y You wingly Yecklessly Yes No X Y Yes No Y Yes No X You wingly Yecklessly Yes No X Yes No X You wingly Yecklessly Yes No X Yes No X You wingly Yecklessly Yes No X Yes No X Yes No X You wingly Yecklessly Yes No X Yes No |                 | Ouestion No. 1   | Question No. 2   | Question No. 3  |
|--|-----------------|--|--|---|
| Yes         No ★         Predatory Lending         Knowingly           2+ Delinquency/Re-Aging         Knowingly           Yes         No ★         Predatory Lending         Knowingly           Asstatement         Asstatement         Knowingly   |                 | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Yes No_X         Predatory Lending         Knowingly_           Yes No_X         Predatory Lending         Knowingly           Z + Delinquency/Re-Aging         Knowingly           Z Yes No_X         Predatory Lending         Knowingly           Z Yes No_X         Predatory Lending         Knowingly           Z + Delinquency/Re-Aging         Knowingly           Predatory Lending         Knowingly           Z + Delinquency/Re-Aging         Knowingly           Restatement         Knowingly           Z + Delinquency/Re-Aging         Knowingly           Z + Delinquency/Re-Aging         Knowingly           Z + Delinquency/Re-Aging         Knowingly   | Statement No. 4 |  |  |   |
| 2+ Delinquency/Re-Aging         Knowingly           Restatement         Knowingly           Yes         No X         Predatory Lending         Knowingly           2+ Delinquency/Re-Aging         Knowingly           2+ Delinquency/Re-Aging         Knowingly           Restatement         Knowingly           Restatement         Knowingly  | Household       |  | Predatory Lending  |   |
| Yes         No X         Predatory Lending         Knowingly           2+ Delinquency/Re-Aging         Knowingly         Knowingly           2+ Delinquency/Re-Aging         Knowingly  |                 |  | 2+ Delinquency/Re-Aging  |   |
| Yes         No         Predatory Lending         Knowingly           2+ Delinquency/Re-Aging         Knowingly           Yes         No         Knowingly           Yes         No         Knowingly           Yes         No         Knowingly           Predatory Lending         Knowingly           Predatory Lending         Knowingly           2+ Delinquency/Re-Aging         Knowingly           Restatement         Knowingly           Restatement         Knowingly  |                 |  | Restatement  |   |
| 2+ Delinquency/Re-Aging  | Gilmer          |  | Predatory Lending  | 11  |
| Yes       No X       Predatory Lending       Knowingly         2+ Delinquency/Re-Aging       Knowingly         Restatement       Knowingly         2+ Delinquency/Re-Aging       Knowingly         2+ Delinquency/Re-Aging       Knowingly         Restatement       Knowingly   |                 |  | 2+ Delinquency/Re-Aging  |   |
| Yes       No X       Predatory Lending       Knowingly         2+ Delinquency/Re-Aging       Knowingly         Restatement       Knowingly         2+ Delinquency/Re-Aging       Knowingly         2+ Delinquency/Re-Aging       Knowingly         Restatement       Knowingly   |                 |  | Restatement  |   |
| 2+ Delinquency/Re-Aging       Knowingly         Restatement       Knowingly         Yes       No         Predatory Lending       Knowingly         2+ Delinquency/Re-Aging       Knowingly         Restatement       Knowingly   | Schoenholz      |  | Predatory Lending  |   |
| Yes       No.X       Restatement       Knowingly         2+ Delinquency/Re-Aging       Knowingly         Restatement       Knowingly   |                 |  | 2+ Delinquency/Re-Aging  |   |
| Yes No Keatory Lending Knowingly 2+ Delinquency/Re-Aging Knowingly Restatement Knowingly   |                 |  | Restatement  |   |
| .+ Delinquency/Re-Aging Knowingly Knowingly Knowingly  | Aldinger        | 1  | Predatory Lending  |   |
| Knowingly  |                 | ·  | 2+ Delinquency/Re-Aging  |   |
|  |                 |  | Restatement  |   |

|                 | Question No. 1   | Question No. 2   | Question No. 3  |
|-----------------|--|--|---|
|                 | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 5 |  |  |   |
| Household       | Yes_ No X  | 2+ Delinquency/Re-Aging  | Knowingly Recklessly  |
| · · · ·         |  | Restatement  | Knowingly Recklessly  |
| Gilmer          | YesNo  | 2+ Delinquency/Re-Aging  | Knowingly Recklessly  |
| ·               |  | Restatement  | Knowingly Recklessly  |
| Schoenholz      | YesNoX   | 2+ Delinquency/Re-Aging  | Knowingly Recklessly  |
|                 |  | Restatement  | Knowingly Recklessly  |
| Aldinger        | Yes_NoX  | 2+ Delinquency/Re-Aging  | Knowingly Recklessly  |
|                 |  | Restatement  | Knowingly Recklessly  |

|  | Ouestion No. 1   | Ouestion No. 2  | Ouestion No. 3   |
|--|--|---|--|
|  | Have Plaintiffs prevailed<br>on their 10(b)/Rule 10b-5<br>claim with regard to any of<br>the statements set forth in<br>Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly ( <b>choose one</b> ) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 6                        |  | be checked):  |  |
| Household                              | Yes_No   | Predatory Lending   | Knowingly Recklessly   |
| ************************************** |  | 2+ Delinquency/Re-Aging   | Knowingly Recklessly   |
|  |  | Restatement   | Knowingly Recklessly   |
| Gilmer                                 | Yes_NoX  | Predatory Lending   | Knowingly Recklessly   |
| 77 <u>M</u> 2V - son oo m              |  | 2+ Delinquency/Re-Aging   | Knowingly Recklessly   |
|  |  | Restatement   | Knowingly Recklessly   |
| Schoenholz                             | YesNoX   | Predatory Lending   | Knowingly Recklessly   |
|  | •  | 2+ Delinquency/Re-Aging   | Knowingly Recklessly   |
|  | 7 1  | Restatement   | Knowingly Recklessly   |
| Aldinger                               | Yes No   | Predatory Lending   | Knowingly Recklessly   |
|  | -  | 2+ Delinquency/Re-Aging   | Knowingly Recklessly   |
|  |  | Restatement   | Knowingly Recklessly   |

|                 | Ouestion No. 1   | Ouestion No. 2   | Onestion No. 3  |
|-----------------|--|--|---|
|                 | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 7 |  |  |   |
| Household       | YesNo_X  | 2+ Delinquency/Re-Aging  | Knowingly Recklessly  |
| — not 7 no      | ,  | Restatement  | Knowingly Recklessly  |
| Gilmer          | YesNoX   | 2+ Delinquency/Re-Aging  | KnowinglyRecklessly   |
|                 |  | Restatement  | Knowingly Recklessly  |
| Schoenholz      | YesNoX   | 2+ Delinquency/Re-Aging  | Knowingly Recklessly  |
|                 | # # # # # # # # # # # # # # # # # # #  | Restatement  | Knowingly Recklessly  |
| Aldinger        | YesNo_X  | 2+ Delinquency/Re-Aging  | Knowingly Recklessly  |
|                 |  | Restatement  | Knowingly Recklessly  |
|                 |  |  |   |

| <u>Question No. 3</u> | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line.            |                 | Knowingly Recklessly | Knowingly Recklessly    | Knowingly Recklessly   | Knowingly Recklessly | Knowingly Recklessly   | Knowingly Recklessly | Knowingly Recklessly | Knowingly Recklessly    | Knowingly Recklessly | Knowingly Recklessly | Knowingly Recklessly    | Knowingly Recklessly |
|-----------------------|--|-----------------|----------------------|-------------------------|--|----------------------|--|----------------------|----------------------|-------------------------|----------------------|----------------------|-------------------------|----------------------|
| Ouestion No. 2        | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): |                 | Predatory Lending    | 2+ Delinquency/Re-Aging | Restatement  | Predatory Lending    | 2+ Delinquency/Re-Aging  | Restatement          | Predatory Lending    | 2+ Delinquency/Re-Aging | Restatement          | Predatory Lending    | 2+ Delinquency/Re-Aging | Restatement          |
| Ouestion No. 1        | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A?   |                 | YesNo_X              |                         |  | Yes_No_X             | The second of th | - Salament           | Yes No X             |                         |                      | Yes No               | !                       |                      |
|                       |  | Statement No. 8 | Household            |                         | - Indiana - Indi | Gilmer               |  |                      | Schoenholz           |                         |                      | Aldinger             |                         |                      |

| Have Plaintiff's prevailed on their 10(b)/Rule 10b-5 statements in Question No. 1, identify the claim with regard to give of issue or issues that the statement the statement set forth in misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked):    Statement No. 9 | Question No. 2   |
|---|--|
| No. 9  Yes. No ★  Yes. No ★  Yes. No ★  Yes. No ★   | For each issue identified in Question No. 2, indicate whether the defendant acted indicate whether the defendant acted knowingly or recklessly (choose one) in represented by placing an "X" on the appropriate line. becked): |
| YesNo_X  YesNo_X  YesNo_X   |  |
| Yes No_X Yes No_X Yes No_X  | Delinquency/Re-Aging Knowingly Recklessly  |
| YesNo_X   | Knowingly Recklessly   |
| YesNo_X   | Delinquency/Re-Aging Knowingly Recklessly  |
| YesNo_X   | Knowingly Recklessly   |
| Yes No  | Delinquency/Re-Aging Knowingly Recklessly  |
| Yes_No  | tatement Knowingly Recklessly  |
|   | Delinquency/Re-Aging Knowingly Recklessly  |
| Restatement   | tatement Knowingly Recklessly  |

| Ouestion No. 2  If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement anisepresented by placing an "X" on the appropriate line.  Duestion No. 3  For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line.  |                  | ing Knowingly Recklessly   | 2+ Delinquency/Re-Aging Knowingly Recklessly | Knowingly Recklessly | ing Knowingly Recklessly   | 2+ Delinquency/Re-Aging Knowingly Recklessly | Knowingly Recklessly | ing Knowingly Recklessly   | 2+ Delinquency/Re-Aging Knowingly Recklessly | Knowingly Recklessly | ing Knowingly Recklessly | 2+ Delinquency/Re-Aging Knowingly Recklessly | Knowingly Recklessly |
|--|------------------|----------------------------|--|----------------------|----------------------------|--|----------------------|----------------------------|--|----------------------|--------------------------|--|----------------------|
| Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A?  Table A?  Ouestion No. 2  Statements in Question No. 2  Statements in Question of the statements in Question of the statements set forth in the statement set fo | 10               | Yes_No X Predatory Lending | 2+ D   | Restatement          | Yes No X Predatory Lending | 2+I  | Restatement          | Yes No X Predatory Lending | 2+1  | Restatement          | Yes No Predatory Lending | [ 2+I  | Restatement          |
|  | Statement No. 10 | Household                  |  |                      | Gilmer                     | - 13-5                                       |                      | Schoenholz                 |  | ·                    | Aldinger                 |  |                      |

|                  | Ouestion No. 1   | Ouestion No. 2   | Question No. 3  |
|------------------|--|--|---|
|                  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 11 |  |  |   |
| Household        | YesNo_X  | Predatory Lending  | Knowingly Recklessly  |
| Gilmer           | YesNoX   | Predatory Lending  | Knowingly Recklessly  |
| Schoenholz       | YesNo_X  | Predatory Lending  | Knowingly Recklessly  |
| Aldinger         | YesNo_K  | Predatory Lending  | Knowingly Recklessly  |

|                  | Question No. 1   | Ouestion No. 2   | Question No. 3  |
|------------------|--|--|---|
|                  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 12 | eal.   |  |   |
| Household        | Yes_No_X   | 2+ Delinquency/Re-Aging  | Knowingly Recklessly  |
|                  |  | Restatement  | Knowingly Recklessly  |
| Gilmer           | YesNoX_  | 2+ Delinquency/Re-Aging  | Knowingly Recklessly  |
|                  |  | Restatement  | Knowingly Recklessly  |
| Schoenholz       | Yes_No X   | 2+ Delinquency/Re-Aging  | Knowingly Recklessly  |
|                  |  | Restatement  | Knowingly Recklessly  |
| Aldinger         | Yes_NoX  | 2+ Delinquency/Re-Aging  | Knowingly Recklessly  |
| ,                |  | Restatement  | Knowingly Recklessly  |

| Have Plaintiffs prevailed it you answered "yes" for any of the cach issue identified in Question on their 10(b)/Rule 10b-5 statements in Question No. 1, identify the claim with regard to any of issue or issues that the statement the statement set forth in appropriate line(s). (more than one line can placing an "X" on the properties line(s). (more than one line can paking the statement about the issue or issues that the statement about the issue in the statement set forth in appropriate line(s). (more than one line can placing an "X" on the appropriate line(s). (more than one line can paking the statement about the issue making the statement about the issue the statement and the statement |                             | Question No. I   | Onestion No. 2   | Ouestion No. 3  |
|--|-----------------------------|--|--|---|
| Yes         No         Predatory Lending         Knowingly           2+ Delinquency/Re-Aging         Knowingly           Yes         No         Knowingly           2+ Delinquency/Re-Aging         Knowingly           2+ Delinquency/Re-Aging         Knowingly           Restatement         Knowingly           2+ Delinquency/Re-Aging         Knowingly   |                             | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A?   | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Yes No_X         Predatory Lending         Knowingly_           2 + Delinquency/Re-Aging         Knowingly_           Yes No_X         Predatory Lending         Knowingly_           Z         Yes No_X         Predatory Lending         Knowingly_           Z         Yes No_X         Predatory Lending         Knowingly_           Z         Yes No_X         Predatory Lending         Knowingly_           Z + Delinquency/Re-Aging         Knowingly_           Z + Delinquency/Re-Aging         Knowingly_           Z + Delinquency/Re-Aging         Knowingly_           Restatement         Knowingly_           Z + Delinquency/Re-Aging         Knowingly_           Restatement         Knowingly_  | Statement No. 1.            | rol  |  |   |
| Yes         No X         Predatory Lending         Knowingly           2+ Delinquency/Re-Aging         Knowingly         Knowingly           2+ Delinquency/Re-Aging         Knowingly   | Household                   |  | Predatory Lending  |   |
| Yes         No         Restatement         Knowingly           Yes         No         2+ Delinquency/Re-Aging         Knowingly           Yes         No         Restatement         Knowingly           Yes         No         Restatement         Knowingly           Yes         No         Restatement         Knowingly           2+ Delinquency/Re-Aging         Knowingly           2+ Delinquency/Re-Aging         Knowingly           2+ Delinquency/Re-Aging         Knowingly           Restatement         Knowingly   |                             | and the second of the second o | 2+ Delinquency/Re-Aging  |   |
| Yes         No X         Predatory Lending         Knowingly           2+ Delinquency/Re-Aging         Knowingly           Restatement         Knowingly           2+ Delinquency/Re-Aging         Knowingly           Yes         No X           Yes         No X           Predatory Lending         Knowingly           Restatement         Knowingly           2+ Delinquency/Re-Aging         Knowingly           2+ Delinquency/Re-Aging         Knowingly           Knowingly         Knowingly   |                             |  | Restatement  |   |
| 2+ Delinquency/Re-Aging         Knowingly           Restatement         Knowingly           Yes         No           Yes         No           Yes         No           Yes         No           Yes         Knowingly           2+ Delinquency/Re-Aging         Knowingly           2+ Delinquency/Re-Aging         Knowingly           2+ Delinquency/Re-Aging         Knowingly  | Gilmer                      |  | Predatory Lending  |   |
| Yes_ No_X Predatory Lending Knowingly   2+ Delinquency/Re-Aging Knowingly   Restatement Knowingly   Yes_ No_X Predatory Lending Knowingly   2+ Delinquency/Re-Aging Knowingly   Restatement Knowingly   Restatement Knowingly  |                             |  | 2+ Delinquency/Re-Aging  |   |
| Yes_ No_X       Predatory Lending       Knowingly         2+ Delinquency/Re-Aging       Knowingly         Restatement       Knowingly         2+ Delinquency/Re-Aging       Knowingly         2+ Delinquency/Re-Aging       Knowingly         Restatement       Knowingly  |                             |  | Restatement  |   |
| 2+ Delinquency/Re-Aging       Knowingly         Restatement       Knowingly         Yes       No         Yes       No         2+ Delinquency/Re-Aging       Knowingly         Restatement       Knowingly  | Schoenholz                  | 1  | Predatory Lending  |   |
| Yes       No       Knowingly         Yes       No         2+ Delinquency/Re-Aging       Knowingly         Restatement       Knowingly  | man kanda <sup>18</sup> 7   |  | 2+ Delinquency/Re-Aging  |   |
| Yes No K Enowingly 2+ Delinquency/Re-Aging Knowingly Knowingly Restatement Knowingly   |                             |  | Restatement  |   |
| ncy/Re-Aging Knowingly   | Aldinger                    | 1  | Predatory Lending  |   |
| Knowingly  |                             | ·  | 2+ Delinquency/Re-Aging  |   |
|  | 807 – VIII 80 <del>18</del> |  | Restatement  |   |

|                  | Ouestion No. 1   | Ouestion No. 2   | Ouestion No. 3  |
|------------------|--|--|---|
|                  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 14 |  |  |   |
| Household        | Yes X No   | Predatory Lending X  | Knowingly Kecklessly  |
| Gilmer           | Yes X No   | Predatory Lending X  | Knowingly Recklessly X  |
| Schoenholz       | YesNoX   | Predatory Lending  | Knowingly Recklessly  |
| Aldinger         | Yes X No   | Predatory Lending X  | Knowingly X Recklessly  |

| Question No. 2 | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked):   |               | Predatory Lending 🗶 | 2+ Delinquency/Re-Aging X | Restatement X Knowingly Recklessly X | Predatory Lending X Knowingly Recklessly V | 2+ Delinquency/Re-Aging X. Knowingly Recklessly X. | Restatement X Knowingly Recklessly K   | Predatory Lending X Knowingly Recklessly X | 2+ Delinquency/Re-Aging X Knowingly Recklessly K | Restatement X Knowingly Recklessly X | Predatory Lending K Knowingly Recklessly K | 2+ Delinquency/Re-Aging X Knowingly Recklessly X |  |
|----------------|--|---------------|---------------------|---------------------------|--------------------------------------|--|--|--|--|--|--------------------------------------|--|--|--|
| Question No. 1 | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 statement claim with regard to any of issue or in the statements set forth in misrepresents the statements of forth in papropriation of the contract of th | 15            | Yes No Predatory    | 2+ Delin                  | Restatem                             | Yes No Predatory                           | 2+ Delin   | Restatem   | Yes No Predator                            | 2+ Delin   | Restaten                             | Yes No Predator                            |  |  |
|                |  | Statement No. | Household           |                           | y                                    | Gilmer                                     |  | managan af al sulley and a sull | Schoenholz                                 |  |                                      | Aldinger                                   | )  |  |

| Ouestion No. 1 Ouestion No. 2 | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 statements in Question No. 1, identify the claim with regard to any of the statements set forth in appropriate line(s). (more than one line can their A?  Horeard issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. | 0.16             | Yes No Predatory Lending K | Restatement X Knowingly Recklessly X | Yes No Predatory Lending X Knowingly Recklessly.X | 2+ Delinquency/Re-Aging X Knowingly Recklessly X | Restatement X Knowingly Recklessly X | Yes No Predatory Lending Knowingly Recklessly X | 2+ Delinquency/Re-Aging X Knowingly Recklessly X | Restatement X Knowingly Recklessly X | Yes No Predatory Lending K Knowingly Recklessly K | 2+ Delinquency/Re-Aging X Knowingly Recklessly X | Vacaring Vecklessly |
|-------------------------------|--|------------------|----------------------------|--------------------------------------|---|--|--------------------------------------|---|--|--------------------------------------|---|--|---------------------|
| Oue                           | Haw on the clair the Fabi  | Statement No. 16 | Household Yes              | <br>                                 | Gilmer Yes  |  |                                      | Schoenholz Yes                                  |  | THE PART OF THE SAME AND A           | Aldinger Yes                                      |  |                     |

|                  | Ouestion No. 1   | Question No. 2   | Question No. 3   |
|------------------|--|--|--|
|                  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly ( <b>choose one</b> ) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 17 | 1  |  | . We The Management  |
| Household        | Yes No   | 2+ Delinquency/Re-Aging  | Knowingly Recklessly X   |
|                  |  | Restatement X  | Knowingly Recklessly X   |
| Gilmer           | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly X   |
|                  |  | Restatement X  | Knowingly Recklessly X   |
| Schoenholz       | Yes≰ No  | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly X   |
|                  |  | Restatement X  | Knowingly Recklessly K   |
| Aldinger         | Yesk No  | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly   |
|                  | /  | Restatement X  | Knowingly Recklessly X   |

| Ouestion No. 3 | the for each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line.        |                  | Knowingly Recklessly X | Knowingly Recklessly      | Knowingly Recklessly X | Knowingly Recklessly K | Knowingly Recklessly K  | Knowingly Recklessly X | Knowingly Recklessly X | Knowingly Recklessly X    | Knowingly Recklessly K   | Knowingly Recklessly | Knowingly Recklessly X         | Knowingly Recklessly |
|----------------|--|------------------|------------------------|---------------------------|------------------------|------------------------|-------------------------|------------------------|------------------------|---------------------------|--|----------------------|--------------------------------|----------------------|
| Ouestion No. 2 | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): |                  | Predatory Lending X    | 2+ Delinquency/Re-Aging X | Restatement X          | Predatory Lending      | 2+ Delinquency/Re-Aging | Restatement X          | Predatory Lending      | 2+ Delinquency/Re-Aging X | Restatement X  | Predatory Lending X  | 2+ Delinquency/Re-Aging X      | Restatement W        |
| Ouestion No. 1 | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A?   | <b>&amp;</b>     | Yes/K No               |                           |                        | Yes No                 | A MADOWAY               |                        | Yes No                 |                           |  | Yes No               | NAME AND ADDRESS OF THE PARTY. |                      |
|                |  | Statement No. 18 | Household              |                           |                        | Gilmer                 |                         |                        | Schoenholz             |                           | under all a second seco | Aldinger             | )                              |                      |

|                  | Ouestion No. 1   | Ouestion No. 2   | Ouestion No. 3  |
|------------------|--|--|---|
|                  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 19 |  |  |   |
| Household        | YesNoX   | Predatory Lending  | Knowingly Recklessly  |
| Gilmer           | YesNoX   | Predatory Lending  | Knowingly Recklessly  |
| Schoenholz       | YesNo_X  | Predatory Lending  | Knowingly Recklessly  |
| Aldinger         | Yes No_X   | Predatory Lending  | Knowingly Recklessly  |

|                  | Ouestion No. 1   | Ouestion No. 2   | Ouestion No. 3  |
|------------------|--|--|---|
|                  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 20 |  |  |   |
| Household        | Yes No   | 2+ Delinquency/Re-Aging  | Knowingly Recklessly  |
|                  |  | Restatement X  | Knowingly Recklessly X  |
| Gilmer           | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly  |
|                  |  | Restatement X  | Knowingly Recklessly X  |
| Schoenholz       | Yes No   | 2+ Delinquency/Re-Aging  | Knowingly Recklessly K  |
|                  | ,  | Restatement X  | Knowingly Recklessly X  |
| Aldinger         | Yes, No  | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly K  |
|                  | ,  | Restatement X  | Knowingly Recklessly X  |

| Ouestion No. 3  For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line.            |                  | Knowingly Recklessly | Knowingly Recklessly X    | Knowingly Recklessly | Knowingly Recklessly | Knowingly Recklessly      | Knowingly Recklessly X | Knowingly Recklessly | Knowingly Recklessly X   | Knowingly Recklessly X | Knowingly Recklessly X | Knowingly Recklessly X    | Knowingly Recklessly X |
|--|------------------|----------------------|---------------------------|----------------------|----------------------|---------------------------|------------------------|----------------------|--------------------------|------------------------|------------------------|---------------------------|------------------------|
| Ouestion No. 2  If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | 46               | Predatory Lending X  | 2+ Delinquency/Re-Aging X | Restatement X        | Predatory Lending    | 2+ Delinquency/Re-Aging X | Restatement X          | Predatory Lending    | 2+ Delinquency/Re-AgingX | Restatement X          | Predatory Lending X    | 2+ Delinquency/Re-Aging 💢 | Restatement X          |
| Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A?   | Statement No. 21 | Household Yes No     |                           |                      | Gilmer Yes No        |                           |                        | Schoenholz Yes X No  |                          |                        | Aldinger Yes No        | ·                         |                        |

| \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ | Ouestion No. 1   | Ouestion No. 2   | Ouestion No. 3  |
|---------------------------------------|--|--|---|
|                                       | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 22                      |  |  |   |
| Household                             | Yes X No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly  |
|                                       | - PT-701   | Restatement X  | Knowingly Recklessly X  |
| Gilmer                                | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly  |
|                                       |  | Restatement *  | Knowingly Recklessly X  |
| Schoenholz                            | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly  |
|                                       | Lings- Fr  | Restatement X  | Knowingly Recklessly X  |
| Aldinger                              | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly  |
| )<br>                                 |  | Restatement X  | Knowingly Recklessly 📉  |
|                                       |  |  |   |

| Statement No. 23 | Cuestion No. 1  Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | Ouestion No. 2  If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
|------------------|--|--|---|
| Household        | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly  |
| Gilmer           | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly X  |
| Schoenholz       | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly X  |
| Aldinger         | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly X  |

| Ouestion No. 3  For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line.            |                  | Knowingly Recklessly | Knowingly Recklessly 🗥    | Knowingly Recklessly X | Knowingly Recklessly X | Knowingly Recklessly     | Knowingly Recklessly X | Knowingly Recklessly | Knowingly Recklessly X    | Knowingly Recklessly X | Knowingly Recklessly | Knowingly Recklessly    | Knowingly Recklessly X |
|--|------------------|----------------------|---------------------------|------------------------|------------------------|--------------------------|------------------------|----------------------|---------------------------|------------------------|----------------------|-------------------------|------------------------|
| Ouestion No. 2  If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): |                  | Predatory Lending X  | 2+ Delinquency/Re-Aging X | Restatement            | Predatory Lending X    | 2+ Delinquency/Re-AgingX | Restatement X          | Predatory Lending X  | 2+ Delinquency/Re-Aging X | Restatement X          | Predatory Lending X  | 2+ Delinquency/Re-Aging | Restatement            |
| Ouestion No. 1  Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A?   | Tr'l             | Yes X No             |                           |                        | Yes No                 | £-                       |                        | Yes No               | r<br>·                    |                        | Yes No               |                         |                        |
|  | Statement No. 24 | Household            |                           |                        | Gilmer                 |                          |                        | Schoenholz           |                           |                        | Aldinger             | )                       |                        |

|                  | Ouestion No. 1   | Ouestion No. 2   | Ouestion No. 3  |
|------------------|--|--|---|
|                  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 25 |  |  |   |
| Household        | YesNo_X  | Predatory Lending  | Knowingly Recklessly  |
| Gilmer           | YesNo_X  | Predatory Lending  | Knowingly Recklessly  |
| Schoenholz       | YesNoX   | Predatory Lending  | Knowingly Recklessly  |
| Aldinger         | YesNoX   | Predatory Lending  | Knowingly Recklessly  |

|                  | Ouestion No. 1   | Question No. 2   | Question No. 3  |
|------------------|--|--|---|
|                  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. I, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 26 | \nt  |  |   |
| Household        | YesNo_X  | Predatory Lending  | Knowingly Recklessly  |
| Gilmer           | YesNo_X  | Predatory Lending  | Knowingly Recklessly  |
| Schoenholz       | YesNo_X  | Predatory Lending  | Knowingly Recklessly  |
| Aldinger         | YesNo_X  | Predatory Lending  | Knowingly Recklessly  |

| Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 statements in Question No. 1, identify the indicate whether the defendant acted indicate whether the defendant acted indicate with regard to any of misceperated by placing an "X" on the group in size or issues that the statement and in inserpreparate line(s). (note than one line can placing an "X" on the appropriate line.  Statement No. 2.  Household Yes X No. 2. Delinquency/Re-Aging X Knowingly Recklessly X Rowingly Recklessly |                            | Question No. 1   | Question No. 2   | Question No. 3  |
|---|----------------------------|--|--|---|
| Yes       No       Predatory Lending X       Knowingly         Yes       No       2+ Delinquency/Re-Aging X       Knowingly         Yes       No       2+ Delinquency/Re-Aging X       Knowingly         Yes       No       Predatory Lending X       Knowingly         Restatement X       Knowingly       Knowingly  |                            | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Yes         No         2+ Delinquency/Re-Aging X         Knowingly           Yes         No         2+ Delinquency/Re-Aging X         Knowingly           Yes         No         Predatory Lending X         Knowingly           Z         Yes         Knowingly           Z         Predatory Lending X         Knowingly           Z         Predatory Lending X         Knowingly           Restatement X         Knowingly           Predatory Lending X         Knowingly           Predatory Lending X         Knowingly           Actor Delinquency/Re-Aging X         Knowingly           Chowingly         Knowingly           Chowingly         Knowingly           Chowingly         Knowingly   | Statement No. 2            |  |  |   |
| Yes         No         Predatory Lending X         Knowingly           Yes         No         Predatory Lending X         Knowingly           Yes         No         Restatement X         Knowingly           Yes         No         Predatory Lending X         Knowingly           2+ Delinquency/Re-Aging X         Knowingly         Knowingly           2+ Delinquency/Re-Aging X         Knowingly  | Household                  | 1  | Predatory Lending X  |   |
| Yes       No_       Predatory Lending X       Knowingly         2+ Delinquency/Re-Aging X       Knowingly         Yes       No_       Predatory Lending X       Knowingly         Yes       No_       2+ Delinquency/Re-Aging X       Knowingly         Restatement X       Knowingly       Knowingly         Yes       No_       Predatory Lending X       Knowingly         Predatory Lending X       Knowingly       Knowingly         2+ Delinquency/Re-Aging X       Knowingly         Restatement X       Knowingly   |                            |  | 2+ Delinquency/Re-Aging/   |   |
| Yes       No       Predatory Lending       Knowingly         2+ Delinquency/Re-Aging       Knowingly         Yes       No       Restatement       Knowingly         Yes       No       Restatement       Knowingly         Yes       No       Restatement       Knowingly         2+ Delinquency/Re-Aging       Knowingly         Restatement       Knowingly         Restatement       Knowingly   |                            |  | Restatement X  | 1   |
| 2+ Delinquency/Re-Aging X         Knowingly —           Restatement X         Knowingly —           Yes X         No —         2+ Delinquency/Re-Aging X         Knowingly —           Yes X         No —         Predatory Lending X         Knowingly —           Yes X         No —         Predatory Lending X         Knowingly —           2+ Delinquency/Re-Aging X         Knowingly —           Restatement X         Knowingly —  | Gilmer                     | $\searrow$   | Predatory Lending X  |   |
| Yes.       No_       Predatory Lending X.       Knowingly   |                            |  | 2+ Delinquency/Re-Aging X  | -   |
| Yes       No       Predatory Lending X       Knowingly         2+ Delinquency/Re-Aging       Knowingly         Restatement       Knowingly         Yes       No       Restatement         2+ Delinquency/Re-Aging       Knowingly         Restatement       Knowingly         Knowingly       Knowingly   | om - m - 187 188 187 1 188 |  | Restatement X  |   |
| 2+ Delinquency/Re-Aging X       Knowingly   | Schoenholz                 | <b>*</b> *   | Predatory Lending X  |   |
| Yes X       No_       Restatement X       Knowingly         2+ Delinquency/Re-Aging X       Knowingly         Restatement X       Knowingly   |                            | • •  | 2+ Delinquency/Re-Aging X  |   |
| Yes X No Predatory Lending X Knowingly — 2+ Delinquency/Re-Aging X Knowingly — Restatement X Knowingly —  |                            |  | Restatement X  |   |
| Knowingly Knowingly   | Aldinger                   |  | Predatory Lending X  |   |
| X Knowingly   |                            |  | 2+ Delinquency/Re-Aging X  |   |
|   | _ ,                        |  | Restatement X  |   |

|                  | Question No. 1   | Question No. 2   | Ouestion No. 3  |
|------------------|--|--|---|
|                  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 28 |  |  |   |
| Household        | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly X  |
| Gilmer           | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly X  |
| Schoenholz       | Yes X No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly _X   |
| Aldinger         | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly X  |

| I"yes" for any of the uestion No. 1, identify the hat the statement by placing an "X" on the (s). (more than one line can (s). (more than one line can mg \times \t |                 | Ouestion No. 1   | Ouestion No. 2            | Ouestion No. 3  |
|--|-----------------|--|---------------------------|---|
| Yes       No       Predatory Lending X       Knowingly         Yes       No       2+ Delinquency/Re-Aging X       Knowingly         Yes       No       Predatory Lending X       Knowingly         Yes       No       Predatory Lending X       Knowingly         Yes       No       Chowingly         Restatement X       Knowingly         C+ Delinquency/Re-Aging X       Knowingly         C+ Delinquency/Re-Aging X       Knowingly         C+ Delinquency/Re-Aging X       Knowingly  |                 | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? |                           | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Yesk No   Predatory Lending \( \times \)   Knowingly     Restatement \( \times \)   Knowingly     C   Yesk No   Predatory Lending \( \times \)   Knowingly     C   Yesk No   Predatory Lending \( \times \)   Knowingly     Restatement \( \times \)   Knowingly     Restatement \( \times \)   Knowingly     C   C   C   C   C   C   C     C   C   | Statement No. 2 | 6  |                           |   |
| Sestatement   Knowingly  | Household       | Yes No   | Predatory Lending         |   |
| Yes       No       Predatory Lending X       Knowingly         Yes       No       2+ Delinquency/Re-Aging X       Knowingly         Yes       No       Predatory Lending X       Knowingly         2+ Delinquency/Re-Aging X       Knowingly         Restatement X       Knowingly  |                 |  | 2+ Delinquency/Re-Aging X |   |
| Yes       No       Predatory Lending X       Knowingly         2+ Delinquency/Re-Aging X       Knowingly         Yes       No       Predatory Lending X       Knowingly         2+ Delinquency/Re-Aging X       Knowingly         Yes       No       Predatory Lending X       Knowingly         Yes       No       Restatement X       Knowingly         Restatement X       Knowingly  |                 |  | Restatement X             |   |
| Restatement   Knowingly     Restatement   Knowingly     Yes   No   Predatory Lending   Knowingly     2+ Delinquency/Re-Aging   Knowingly     Restatement   Knowingly     Yes   No   Predatory Lending   Knowingly     2+ Delinquency/Re-Aging   Knowingly     Restatement   Knowingly      | Gilmer          | ×  | Predatory Lending X       |   |
| Yes No Predatory Lending Knowingly   2+ Delinquency/Re-Aging Knowingly   Restatement Knowingly   Yes No Predatory Lending   Yes Knowingly   2+ Delinquency/Re-Aging Knowingly   Restatement Knowingly   Restatement Knowingly  |                 | •  | 2+ Delinquency/Re-Aging X |   |
| Yes       No       Predatory Lending       Knowingly         2+ Delinquency/Re-Aging       Knowingly         Restatement       Knowingly         Yes       No       Restatement         2+ Delinquency/Re-Aging       Knowingly         Restatement       Knowingly  |                 |  | Restatement X             |   |
| 2+ Delinquency/Re-Aging X Restatement X Rowingly — Yes X No Predatory Lending X Z+ Delinquency/Re-Aging X Rowingly — Restatement X Rowingly — Restatement X  | Schoenholz      | K  | Predatory Lending X       |   |
| Restatement X       Knowingly         Yes X       No       Predatory Lending X       Knowingly         2+ Delinquency/Re-Aging X       Knowingly         Restatement X       Knowingly   |                 | 444.0  | 2+ Delinquency/Re-Aging X |   |
| Yes No Predatory Lending X Knowingly — 2+ Delinquency/Re-Aging X Knowingly — Restatement X Knowingly   |                 |  | Restatement X             |   |
| Knowingly Knowingly  | Aldinger        | 4  | Predatory Lending X       |   |
| Knowingly  | )               | •  | 2+ Delinquency/Re-Aging X |   |
|  |                 |  | Restatement X             | Knowingly Recklessly X  |

| to a series of the series of t | Ouestion No. 1   | Question No. 2   | Onestion No. 3  |
|--|--|--|---|
|  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. I, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 30   |  |  |   |
| Household  | YesNo_X  | Predatory Lending  | Knowingly Recklessly  |
| Gilmer   | Yes No_X   | Predatory Lending  | Knowingly Recklessly  |
| Schoenholz   | YesNo_¥  | Predatory Lending  | Knowingly Recklessly  |
| Aldinger   | Yes NoX  | Predatory Lending  | Knowingly Recklessly  |

|                  | Ouestion No. 1  | Ouestion No. 2   | Ouestion No. 3  |
|------------------|---|--|---|
|                  | Have Plaintiff's prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 31 | _1  |  |   |
| Household        | YesNoX  | Predatory Lending  | Knowingly Recklessly  |
| Gilmer           | YesNo_X   | Predatory Lending  | Knowingly Recklessly  |
| Schoenholz       | Yes No_X  | Predatory Lending  | Knowingly Recklessly  |
| Aldinger         | YesNo_X   | Predatory Lending  | Knowingly Recklessly  |
|                  |   |  |   |

|                  | Ouestion No. 1   | Question No. 2   | Question No. 3  |
|------------------|--|--|---|
|                  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 32 | 73   |  |   |
| Household        | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly K  |
| nna nen des 1    | •  | Restatement X  | Knowingly Recklessly X  |
| Gilmer           | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly K  |
| a                |  | Restatement X  | Knowingly Recklessly X  |
| Schoenholz       | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly X  |
|                  | •  | Restatement X  | Knowingly Recklessly X  |
| Aldinger         | Yes No   | 2+ Delinquency/Re-Aging 🔨  | Knowingly Recklessly X  |
|                  |  | Restatement X  | Knowingly Recklessly X  |

|                  | Ouestion No. 1   | Ouestion No. 2   | Question No. 3  |
|------------------|--|--|---|
|                  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 33 |  |  |   |
| Household        | YesNo_K  | Predatory Lending  | Knowingly Recklessly  |
| Gilmer           | Yes No_X   | Predatory Lending  | Knowingly Recklessly  |
| Schoenholz       | YesNoX_  | Predatory Lending  | Knowingly Recklessly  |
| Aldinger         | YesNoX   | Predatory Lending  | Knowingly Recklessly  |

|                  | Ouestion No. 1   | Ouestion No. 2   | Onestion No. 3  |
|------------------|--|--|---|
|                  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 34 |  |  |   |
| Household        | YesNo_K  | Predatory Lending  | Knowingly Recklessly  |
| Gilmer           | Yes_No_X   | Predatory Lending  | Knowingly Recklessly  |
| Schoenholz       | YesNo  | Predatory Lending  | Knowingly Recklessly  |
| Aldinger         | Yes_No.X   | Predatory Lending  | Knowingly Recklessly  |

|                  | Ouestion No. 1  Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | Ouestion No. 2  If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | Ouestion No. 3  For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
|------------------|--|--|---|
| Statement No. 35 | Iol  |  |   |
| Household        | Yes_No_X   | Predatory Lending  | Knowingly Recklessly  |
| Gilmer           | YesNo_X  | Predatory Lending  | Knowingly Recklessly  |
| Schoenholz       | YesNo_X  | Predatory Lending  | Knowingly Recklessly  |
| Aldinger         | YesNo  | Predatory Lending  | Knowingly Recklessly  |

|  | Ouestion No. 1   | Ouestion No. 2   | Ouestion No. 3  |
|--|--|--|---|
|  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 36   | ا و  |  |   |
| Household  | Yes No   | Predatory Lending X  | Knowingly Recklessly X  |
|  |  | 2+ Delinquency/Re-Aging  | Knowingly Recklessly X  |
|  |  | Restatement X  | Knowingly Recklessly X  |
| Gilmer   | Yes No   | Predatory Lending X  | Knowingly Recklessly X  |
| a#A a' al ba ••••••  |  | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly X  |
|  |  | Restatement X  | Knowingly Recklessly X  |
| Schoenholz   | Yes No   | Predatory Lending X  | Knowingly Recklessly X  |
| , i.e. J Ville   |  | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly X  |
| State of the state | 30(Art - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -   | Restatement X  | Knowingly Recklessly  |
| Aldinger   | Yes No   | Predatory Lending X  | Knowingly Recklessly X  |
|  | <u>′</u>   | 2+ Delinquency/Re-Aging  | Knowingly Recklessly 🙏  |
|  |  | Restatement  | Knowingly Recklessly X  |

|                  | Question No. 1   | Question No. 2   | Onestion No. 3  |
|------------------|--|--|---|
|                  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 37 |  |  |   |
| Household        | Yes No   | Predatory Lending X  | Knowingly Recklessly X  |
| Gilmer           | Yes/ No  | Predatory Lending X  | KnowinglyRecklessly X   |
| Schoenholz       | Yes X No   | Predatory Lending X  | Knowingly Recklessly X  |
| Aldinger         | Yes X No   | Predatory LendingX   | Knowingly Recklessly X  |

|                  | Question No. 1   | Ouestion No. 2   | Ouestion No. 3  |
|------------------|--|--|---|
|                  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly (choose one) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 38 | eo l   |  |   |
| Household        | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly X  |
|                  |  | Restatement X  | Knowingly Recklessly X  |
| Gilmer           | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly X  |
|                  |  | Restatement X  | Knowingly Recklessly X  |
| Schoenholz       | Yes X No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly X  |
|                  | <  | Restatement X  | Knowingly Recklessly X  |
| Aldinger         | Yes No   | 2+ Delinquency/Re-Aging X  | Knowingly Recklessly X  |
| ,,,,             | ,  | Restatement X  | Knowingly Recklessly X  |

|                  | Question No. 1   | Question No. 2   | Question No. 3   |
|------------------|--|--|--|
|                  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5 claim with regard to any of the statements set forth in Table A? | If you answered "yes" for any of the statements in Question No. 1, identify the issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | For each issue identified in Question No. 2, indicate whether the defendant acted knowingly or recklessly ( <b>choose one</b> ) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 39 |  |  |  |
| Household        | YesNo_X  | Predatory Lending  | Knowingly Recklessly   |
| Gilmer           | YesNo_K  | Predatory Lending  | Knowingly Recklessly   |
| Schoenholz       | YesNoX   | Predatory Lending  | Knowingly Recklessly   |
| Aldinger         | YesNoX_  | Predatory Lending  | Knowingly Recklessly   |

|                  | Question No. 1   | Ouestion No. 2   | Ouestion No. 3   |
|------------------|--|--|--|
|                  | Have Plaintiffs prevailed on their 10(b)/Rule 10b-5                    | If you answered "yes" for any of the statements in Question No. 1, identify the  | For each issue identified in Question No. 2, indicate whether the defendant acted  |
|                  | claim with regard to any of<br>the statements set forth in<br>Table A? | issue or issues that the statement misrepresented by placing an "X" on the appropriate line(s). (more than one line can be checked): | knowingly or recklessly ( <b>choose one</b> ) in making the statement about the issue by placing an "X" on the appropriate line. |
| Statement No. 40 | 01   |  |  |
| Household        | Yes No   | Predatory Lending  | Knowingly Recklessly   |
| Gilmer           | YesNoX_  | Predatory Lending  | Knowingly Recklessly   |
| Schoenholz       | YesNo_X_   | Predatory Lending  | Knowingly Recklessly   |
| Aldinger         | YesNoX   | Predatory Lending  | Knowingly Recklessly   |

If you answered "no" for all of the statements in Question No. 1, you have finished with the Verdict Form. Please turn to the last page, sign and date the Verdict Form and inform the Court that you have finished.

If you answered "yes" for any statement in Question No. 1, please proceed to Question No. 4.

#### Ouestion No. 4

Determine which, if any, of plaintiffs' proposed damages models reasonably estimates plaintiffs' damages (choose only one option below):

Neither of plaintiffs' proposed damages models reasonably estimates plaintiffs' damages

Leakage Model (Plaintiffs' Ex. 1395) reasonably estimates plaintiffs' damages

Specific Disclosures Model (Plaintiffs' Ex. 1397) reasonably estimates plaintiffs' damages

with the Verdict Form. Please turn to the last page, sign and date the Verdict Form and inform the Court that you have finished. If you determine that neither of the proposed damages models reasonably estimates plaintiffs' damages, then you have finished

caused plaintiffs to suffer on each of the dates set forth in Table B. (If no loss was caused on any date, write "none" or "0.") Otherwise, write the amount of loss per share, if any, that, according to the model you have chosen, any defendant's conduct You may use only one model - the one you have chosen -- to fill out Table B.

Then proceed to Question No. 5

### Ouestion No. 5

If you checked "Knowingly" in Question No. 3 for all 40 alleged false or misleading statements, please proceed to Question

Aldinger, David Schoenholz, and Gary Gilmer. In making this determination, you should consider the nature of the conduct of each If you checked "Recklessly" in Question No. 3 for any of the 40 alleged false or misleading statements, you must determine person found to have caused or contributed to plaintiffs' loss and the nature and extent of the causal relationship between each such what percentage of responsibility, if any, for any loss plaintiffs suffered is due to the conduct of Defendants Household, William person's conduct and plaintiffs' loss.

| •                | 1                      |
|------------------|------------------------|
| Household        | 0) 00                  |
| William Aldinger | 20 90                  |
| David Schoenholz | 15 90                  |
| Gary Gilmer      | 10 070                 |
| TOTAL            | (This must equal 100%) |

Please proceed to Question No. 6.

#### Onestion No. 6

With respect to the Section 20(a) claim, have plaintiffs proved that Defendant William Aldinger is a controlling person as to:

David Schoenholz: Household:

ž ž Kes Yes

Gary Gilmer:

ŝ Xes.

Please proceed to Question No. 7.

## Ouestion No. 7

With respect to the Section 20(a) claim, have plaintiffs proved that Defendant David Schoenholz is a controlling person as to:

Household:

William Aldinger:

å å Yes 🛴 Yes

ž

Yes

Gary Gilmer:

Please proceed to Question No. 8.

## Ouestion No. 8

With respect to the Section 20(a) claim, have plaintiffs proved that Defendant Gary Gilmer is a controlling person as to:

Household:

å

Yes\_

ĝ

Yes

William Aldinger:

Yes

ž

David Schoenholz:

# TABLE A ALLEGED FALSE OR MISLEADING STATEMENTS

| t the         |            |                |  |               |            |             |                     |  | Γ          |
|---------------|------------|----------------|--|---------------|------------|-------------|---------------------|--|------------|
| No.           | Date       | Document Title | Statement  |               |            |             |                     |  |            |
| <del></del> : | 08/16/1999 | Household 10-0 | Household 10-Q for quarte  | r ending 6    | /30/99: H  | ousehold    | reported            | Household 10-Q for quarter ending 6/30/99: Household reported net income of \$326.9 million for    | 1_1        |
|               |            |                | the quarter ended June 30,   | 1999 and      | EPS of \$  | 0.67 [HH    | ${ m T\dot{0}0158}$ | 847:   | _          |
|               |            | Defendants'    |  |               |            | J           |                     | 7  |            |
|               |            | Exhibit 854    | Delinquency  |               |            |             |                     |  |            |
|               |            |                | Two-Months-and-Over Contractual Managed Delinquency (as a percent of | ictual Manag  | ed Deling  | nency (as a | percent of          |  |            |
|               |            |                | managed consumer receivables)  | ,<br>:        |            | ΄.          | 4                   |  |            |
|               |            |                |  | 6430/99       | 3/31/99    | 12/31/98    | 86/05/6             | 86/30/98   |            |
|               |            |                | First mortgage   | 12.72%        | 10.91%     | 14.90%      | 11.80%              | 11.07%   |            |
|               |            |                | Home equity  | 3.29          | 3.54       | 3.67        | 3.73                | 3,55   |            |
|               |            |                | Auto finance   | 1.87          | 1.74       | 2.29        | 2.05                | 1.67   |            |
|               |            |                | . MasterCard/Visa  | 3.11          | 3.61       | 3.75        | 3.73                | 3,30   |            |
|               |            |                | Private label  | 6.62          | 6.37       | 620         | 6.55                | 6.19   | _          |
|               |            |                | Other unsecured  | 8.17          | 7.84       | 7.94        | 8.03                | 7.82   |            |
|               |            |                | Total  | 4.72%         | 4.81%      | 4.90%       | 4.96%               | 4.65%  |            |
|               |            |                |  | [HHT 0015902] | 15902]     |             |                     |  |            |
|               |            |                |  | •             |            |             |                     |  |            |
|               |            | •              |  |               | *          | *           | *                   |  |            |
|               |            |                | "Owned consumer two-mo   | ouths-and-    | over conti | ractual de  | linquenc            | "Owned consumer two-months-and-over contractual delinquency as a percent of owned consumer         | 1.4        |
|               |            |                | receivables was 4.96 perce   | ent, compa    | red with ! | 5.04 perc   | ent at Ma           | receivables was 4.96 percent, compared with 5.04 percent at March 31, 1999 and 4.89 percent at     |            |
|               |            |                | June 30, 1998. The annual!   | ized total c  | onsumer    | owned ch    | argeoff1            | June 30, 1998. The annualized total consumer owned chargeoff ratio in the second quarter of 1999   | . ~        |
|               |            |                | was 3.54 percent, compare  | d with 3.9%   | 2 percent  | in the pric | or quarte           | was 3.54 percent, compared with 3.92 percent in the prior quarter and 3.69 percent in the year-ago |            |
|               |            |                | quarter. Managed consum  | er two-mo     | orths-and  | over con    | tractual c          | quarter. Managed consumer two-months-and-over contractual delinquency ("delinquency") as a         |            |
|               |            |                | percent of managed consur  | mer receiva   | ables was  | 4.72 perc   | ent, com            | pared with 4.81 percent at March   |            |
|               |            |                | 31, 1999 and 4.65 percent  | at June 30    | , 1998.    | The annu    | alized to           | al consumer managed chargenf   | , (1.      |
|               |            |                | ratio in the second quarter  | r of 1999     | was 4.10   | percent,    | compare             | ratio in the second quarter of 1999 was 4.10 percent, compared with 4.37 nerrent in the mion       | <u>.</u> ∟ |
|               |            |                | quarter and 4.26 percent in the year-ago quarter." [HHT00]5897]      | the year-a    | ago quart  | er." (HH    | T001589             | 1/1  |            |

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| No.         | Date       | Document Title                         | Statement   |
| 2.          | 10/19/1999 | Household Press                        | October 19, 1999 Household Press Release entitled "Household International Reports Highest          |
| -           |            | Release                                | Quarterly Earnings in Company's History": Household "reported that third quarter net income rose    |
|             |            |  | 26 percent to a record \$399.9 million, compared with \$318.0 million a year ago. Earnings per      |
| <del></del> |            | Plaintiffs <sup>1</sup><br>Exhibit 506 | share increased 32 percent to a record \$.83, from \$.63 a year ago." [HHS 02914429]                |
|             |            |  | "Our quarter reflects excellent performance in all of our businesses, with the key drivers being    |
|             |            |  | accelerating internal receivable and revenue growth." [HHS 02914429]                                |
|             |            |  | "Credit Ouality and Loss Reserves   |
|             |            |  | Credit quality remained stable in the quarter and improved from a year ago. The annualized          |
|             |            |  | managed net chargeoff ratio for the third quarter was 4.09 percent, compared with 4.10 percent in   |
| •           |            |  | the second quarter and 4.33 percent in the year-ago quarter. The managed delinquency ratio (60+     |
|             |            |  | days) was 4.89 percent at September 30, compared with 4.72 percent at June 30 and 4.96 percent a    |
|             |            |  | year ago." (HHS 02914430)   |
| eri.        | 11/12/1999 | Household 10-Q                         | Household 10-Q for quarter ending 9/30/99: Household reported net income of \$399.9 million for     |
|             |            |  | the quarter ended September 30, 1999 and EPS of \$0.84: [HHS 03138203]                              |
|             |            | Piaintiffs'                            | ,   |
|             |            | Exhibit 736                            | "Owned consumer two-months-and-over contractual delinquency as a percent of owned consumer          |
|             |            |  | receivables was 5.24 percent at September 30, 1999, compared with 4.96 percent at June 30, 1999     |
|             |            |  | and 5.23 percent at September 30, 1998. The annualized total consumer owned chargeoff ratio was     |
|             |            |  | 3.63 percent in the third quarter of 1999, compared with 3.54 percent in the prior quarter and 3.79 |
|             |            |  | percent in the year-ago quarter.  |
|             |            | 22.1.                                  | Managed consumer two-months-and-over contractual delinguency as a percent of managed                |
|             | • .        |  | consumer receivables was 4.89 percent at September 30, 1999, compared with 4.72 percent at June     |
|             |            | •                                      | 30, 1999 and 4.96 percent at September 30, 1998. The annualized total consumer managed              |
|             |            |  | chargeoff ratio was 4.09 percent in the third quarter of 1999, compared with 4.10 percent in the    |
|             |            |  | prior quarter and 4.33 percent in the year-ago quarter." [HHS 03138217]                             |
|             |            |  |   |
|             |            |  |   |
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|--------|---|-----------------|--|--|
|        | Date                                    | מסכחווובות זומב | Otalenent  |  |
|        |   |                 | *  | *  |
|        |   |                 | Delinquency  |  |
|        |   |                 | Two-Months-and-Over Contractual Managed Delinquency (as a percent of                                 | percent of                                 |
|        |   |                 |  |  |
|        |   |                 | 66/15/5 66/06/9 3/3/1/66   |  |
|        |   |                 | e 12.56% 12.72% 1  | 14.90% 11.80%                              |
|        |   |                 | 3.46 3.29  | 3.67 3.73                                  |
|        |   |                 | 2.26   | 2.29 2.05                                  |
|        |   |                 | Visa 3.10 3.11   | 3.75 3.73                                  |
|        |   |                 | 6.66 6.62  |  |
|        |   |                 | 8.17   |  |
| - mT   |   |                 | 10121 4.89% 4.72% 4.81% INTER 0.21.20.241  | 4.90% 4.96%                                |
|        |   | •               | [+778C1FO CTTY]  | •  |
|        |   |                 | "Credit quality remained relatively stable in the quarter and immoved from a new amount of           | and immoved from a near and The modera     |
|        |   |                 | increase in managed delinquency as a percent of managed consumer receivables from the prior          | ged consumer receivables from the mior     |
|        |   |                 | quarter was due to the seasoning of our Beneficial home equity and other unsecured products."        | e equity and other unsecured products."    |
|        | 1 |                 | [HHS 05138224]   |  |
| 4.     | 01/19/2000                              | Household Press | January 19, 2000 Household Press Release entitled "Household International Reports Best Ouarter      | usehold International Reports Best Ouarter |
|        |   | Release         | and Year in Its History": Household "reported that fourth quarter earnings per share increased 30    | th quarter earnings per share increased 30 |
|        |   |                 | percent to a record \$.92 from \$.71 a year ago. Fourth  | quarter net income rose 25 percent to a    |
|        |   | Plaintiffs,     | record \$438.8 million, compared with \$349.9 million a year ago. For the full year, Household       | a year ago. For the full year. Household   |
|        |   | Exhibit 746     | reported record earnings per share of \$3.07, which was 33 percent over 1998 operating earnings ner  | 3 percent over 1998 operating earnings ner |
|        |   |                 | share. Net income totaled \$1.5 billion, or 29 percent above the prior year's operating net income." | we the prior year's operating net income." |
|        |   |                 | [HHS 03148802]   | )  |
|        |   | .,              | * *  | *  |
|        |   |                 | "We are very pleased to report another record quarter, the culmination of an absolutely outstanding  | e culmination of an absolutely outstanding |
|        |   |                 | year for Household. Growth and profitability in the quarter were excellent and exceeded our          | quarter were excellent and exceeded our    |
|        |   |                 | expectations. Revenues were particularly strong Our record earnings reflect an outstanding           | Our record earnings reflect an outstanding |
|        |   |                 | year in our consumer finance business, a dramatic turnaround in our MasterCard/Visa business, and    | ound in our MasterCard/Visa business, and  |
|        |   |                 | strong results in all of our other businesses. We are part   | icularly pleased with excellent receivable |
|        |   |                 |  |  |

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| No.   | Date       | Document Title         | Statement   |                               |                      |                          |   |
|       |            |                        | growth in 1999, particularly in our branche<br>the Beneficial merger." [HHS 03148802] | ly in our br<br>HHS 0314      | anchies, v<br>8802]  | vhile fully r            | growth in 1999, particularly in our branches, while fully realizing all of the acquisition synergies of the Beneficial merger." [HHS 03148802]    |
|       |            |                        | <br>  "Credit Onality and Loss Reserves   | Reserves                      | ₩                    | *                        |   |
|       |            |                        | Credit quality improved fi  | rom both th                   | e third q            | uarter and               | Credit quality improved from both the third quarter and a year ago. The annualized net charpeoff  |
|       |            |                        | ratio for the fourth quarter  | r fell 13 ba                  | sis point            | s to 3.96 po             | ratio for the fourth quarter fell 13 basis points to 3.96 percent, the lowest level since 1997. The   |
| . •   |            |                        | chargeott ratio was 4.09 p  | ercent in the                 | e third q            | uarter and 4             | chargeott ratio was 4.09 percent in the third quarter and 4.39 percent in the year-ago quarter. The   |
|       |            |                        | compared with 4.89 perce  | at at Septe                   | mber 30              | and 4.90 p               | compared with 4.89 percent at September 30 and 4.90 percent at percent at 148804  |
| 5.    | 03/28/2000 | Household FY99         | Household FY99 Report o   | n Form 10                     | K filed v            | with the SE              | Household FY99 Report on Form 10-K filed with the SEC on March 28, 2000 Household reported  |
|       |            | Report on Form<br>10-K | net income of 1.486 billion and E.P.S. of \$3.10 [p.127]: * * *                       | n and E.P.                    | S. of \$3.           | 10 [p.127]:<br>*         |   |
|       |            |                        | "Delinquency and Charge   | eoffs. Our                    | delinqu              | ency and n               | "Delinquency and Chargeoffs. Our delinquency and net chargeoff ratios reflect, among other  |
|       |            | Plaintiffs'            | factors, the quality of recei   | ivables, the                  | average              | age of our               | factors, the quality of receivables, the average age of our loans, the success of our collection efforts  |
|       |            | Exhibit 1462           | and general economic conditions   | ditions.                      |                      | )                        |   |
|       |            |                        | We track delinquency and  | chargeoff                     | levels on            | an owned                 | We track delinquency and chargeoff levels on an owned and a managed basis. We apply the same  |
|       |            |                        | credit and portfolio mana   | gement pro                    | cedures              | to both our              | credit and portfolio management procedures to both our owned and off-balance sheet portfolios.  |
|       |            |                        | Our focus is to use risk-b  | ased pricin                   | g and ef             | fective coll             | Our focus is to use risk-based pricing and effective collection efforts for each loan. We have a  |
|       |            |                        | process which we believe  | e gives us                    | a reasor             | able basis               | process which we believe gives us a reasonable basis for predicting the asset quality of new  |
|       |            |                        | accounts. This process i  | s based or                    | onr ext              | erience wi               | accounts. This process is based on our experience with numerous marketing, credit and risk  |
|       |            |                        | management tests. We als<br>  helpful in manaoino net c                               | to believe ti<br>redit losses | natourfr<br>"" (n 98 | equent and               | management tests. We also believe that our frequent and early contact with delinquent customers is helpful in managing net credit losses." In 981 |
|       |            |                        |   | 10000                         | )<br>}<br>#          | *                        |   |
|       |            |                        | Managed Two-Month-and-Over Contractual Delinquency Ratios                             | d-Over Cor                    | ıtractual            | Delinquen                | cy Ratios   |
|       |            |                        |   |                               | _                    | [p.115]                  |   |
|       |            |                        |   | 1999                          | 1998                 |                          | 1996 1995   |
|       |            |                        | Home equity   | 3.27%                         | ×°                   | Q.                       | 3.04% 2.76%   |
|       |            |                        | Auto finance/1/   | 2.43                          |                      |                          |   |
|       |            |                        | MasterCard/Visa   | 2.78                          | 3.75                 |                          |   |
|       |            |                        | Private Jabel Other ungenimed   | 5.97                          | 6.20                 |                          |   |
|       |            |                        | Total consumer  | 4.66%                         | 4 90%                | 7.81 6.21<br>4.64% 2.000 | 5.21 5.08<br>3.03% 2.32%  |
|       |            |                        |   | 270074                        | 2/0/1                |                          | ۱   |

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| No.   | Date       | Document Title  | Statement  |                            |           |               |                         |  |
|       |            |                 | Ratio of Net Chargeoffs to   | 1999                       | 1998      | 1997          | 1996                    | 1995   |
|       |            |                 | Average Managed  |                            |           |               |                         |  |
|       |            |                 | Kecelyables for the Year   |                            |           |               |                         |  |
|       |            |                 | Home equity  | 0.58%                      | 0.63%     | 0.64%         | 0.60%                   | 0.64%  |
|       |            |                 | Auto finance /1/   | 4.96                       | 5.39      | 4.60          | I                       | 1  |
|       |            |                 | MasterCard/Visa  | 99'9                       | 5.95      | 5.55          | 4.54                    | 4,12   |
|       |            |                 | Private label  | 5.65                       | 5.65      | 4.62          | 3.42                    | 3.75   |
|       |            |                 | Other unsecured  | 6.52                       | 6.97      | 5.48          | 4.29                    | 3.60   |
|       |            | ar acrass v     | Totai Consumer loan  | 4.13                       | 4.29      | 3.84          | 2.96                    | 2.51   |
|       |            |                 | products   |                            |           |               |                         |  |
|       |            |                 | Commercial   | 0.93                       | 0.52      | 1.66          | 0.92                    | 2.10   |
|       |            |                 | Total  | 4.09%                      | 4.24      | 3.80%         | 2.92%                   | 2.49%  |
|       | ·          |                 |  |                            |           | [p.115]       |                         |  |
| 9.    | 04/19/2000 | Household Press | April 19, 2000 Household   | Press Re                   | ease en   | itled "Hc     | usehold                 | April 19, 2000 Household Press Release entitled "Household International Benorts Record First  |
|       |            | Release         | Ouarter Results": Househr  | old "renor                 | ted that  | Partition     | ner char                | Ouarter Results": Household "reported that earnings ner share note 20 nervent to a fact annator  |
|       |            |                 | 1 2 2 mond of \$ 72 from \$ 65 a   | Treor oco                  | Not in    | Survey on the | per oner                | o rose do percent to a mist quarter  |
|       |            | . Plaintiffe,   | \$320 8 million in the first   | a year ago.<br>onorter of  | . 1000 "  |               | cased to                | Accorded to \$1.75, moint \$100 a year ago. 19et income incidence 1.0 \$37.4.9 inition, up to percent from \$130.8 million in the first anatom of 1000 in fulling above 1.5.                     |
|       |            | Exhibit 453     |  | ų martina Vi               | *         | o curt        | (TC70C3                 |  |
|       |            | COL WORK        | ;<br>;   |                            |           | •             |                         |  |
|       |            |                 | "This was the strongest firs well. Revenue and receive   | st quarter i<br>able grown | in our co | empany's      | history, v<br>nd credit | "This was the strongest first quarter in our company's history, with all of our businesses performing well. Revenue and receivable growth were strong, and credit quality continued to improve " |
|       |            |                 | [HHS 02902345]   |                            |           | В             | ana io an               | during continued to improve.   |
|       |            |                 |  |                            | *         | *             | #                       |  |
|       |            |                 | Credit Quality and Loss Reserves   | Reserves                   |           |               |                         |  |
|       |            |                 | At March 31, the managed   | definquer                  | icy ratio | (60+day       | s) decline              | At March 31, the managed define quency ratio (60+days) declined to 4.43 percent from 4.66 percent  |
| 1     |            |                 | at December 31 and 4.81 p  | ercent a vo                | ear ago.  | Dollars       | of delina               | at December 31 and 4.81 percent a year ago. Dollars of delingmency were flat with year-end 1999  |
|       |            |                 | The amusilized managed is  | et charoer                 | fratio    | for the fir   | at monarte              | The annualized managed net chargeoff ratio for the first migrater was 4 m nearest community of 5 of  |
|       |            |                 | retreent in the reins and  |                            | on rail   | TOT LEICHE    | or duality              | was 4.00 percent compared to 3.96  |
|       |            |                 | Percent in the prior quarter and improved 57 basis points from the year-ago quarter,"   IHHS 029023461 | eden mag.                  | roved 5.  | oasis pe      | ants irog               | t the year-ago quarter."   |
|       |            |                 |  |                            |           |               |                         |  |
|       |            |                 | <i>*</i> ***   |                            |           |               |                         |  |
|       | • • •      |                 |  |                            |           |               |                         |  |
|       |            |                 |  |                            |           |               |                         |  |
|       |            |                 |  |                            |           |               |                         |  |

| No. Date 7. 05/10/2000                 | Document Title 100 Household 10-Q Plaintiffs' Exhibit 735 |   | 30 quarter en 10, 2000 and argental Process argental Manage 3731/00 1 2.99% 1.52 3.06 5.94 8.56 4.43%            | ending: Hound EPS of \$  *  s on a manage coedures as on 12/31/99 5 2.43 2.78 5.97 8.81                 | \$0.79 per \$0.79 per ged basis an a our owne ency (as a p 9/30/99 4.3.10 5.66   | r share [F]  and we apple ted portfolic 6/30/99  3.29%  1.87              | Statement  Household 10-Q for 3/31/00 quarter ending: Household reported net income of \$372.9 million for the quarter ended March 30, 2000 and EPS of \$0.79 per share [HHS 03138125]:  * * * * *  CREDIT QUALITY  We track delinquency and chargeoff levels on a managed basis and we apply the same credit and portfolio management procedures as on our owned portfolio.  [HHS 03138142]  Delinquency  Two-Months-and-Over Contractual Managed Delinquency (as a percent of managed consumer receivables):  3/31/00 12/31/99 9/30/99 6/30/99 3/31/99  Managed:  Real estate socured  2.99% 3.27% 3.46% 3.29% 3.54%  Auto finance  1.52 2.43 2.26 1.87 1.74   |
|--|---|---|--|---|--|---|--|
|  |   |   | 3/31/00 1.52 2.99% 1.52 3.06 5.94 8.56 4.43%   | ding: Hou EPS of \$  *  a a manage dures as on d Delinque   2/31/99   3.27%   2.43   2.78   5.97   8.81 | arehold in 10.79 per * * * * * * * * * * * * * * * * * * *   | reported; share [F] ad we appl ad portfolic bercent of: 3.29% 1.87        | net income of \$372.9 million for HIS 03138125]: by the o. managed 3/31/99 3.54% 1.74  |
|  | Plaintiffs'<br>Exhibit 735                                | the quarter ended March 3  CREDIT QUALITY We track delinquency and cha same credit and portfolio man [HHS 03138142] Delinquency Two-Months-and-Over Coutr consumer receivables): Managed: Real estate secured Auto finance MasterCardVisa Private label | 10, 2000 and regeoff levels of agement proces actual Manage 3/31/00 1 2.99% 1.52 3.06 5.94 8.56 4.43%            | #  *  *  *  *  *  *  dures as on  d Delinque  2/31/99  2.73  2.78  2.78  5.97  8.81                     | 0.79 per d basis an our owne our owne (as a p./30/99 d. 3.46% 2.26 3.10 6.66   | share [Find we apply and portfolion percent of: 3.29% 1.87                | HIS 03138125]: by the o. 3/31/59 3.54% 1.74  |
| ······································ | Plaintiffs' Exhibit 735                                   | CREDIT QUALITY We track delinquency and chasame credit and portfolio man [HHS 03138142] Delinquency Two-Months-and-Over Coutra consumer receivables): Managed: Real estate secured Auto finance MasterCardVisa Private label                            | rgeoff levels c<br>agement proce<br>actual Manage<br>3/31/00 1<br>2.99%<br>1.52<br>3.06<br>5.94<br>8.56<br>4.43% | *  a. a. manage dures as on d Delinque  2/31/99 5  2.43  2.78  5.97  8.81                               | d basis an our owne our owne (as a p./30/99 4.2.26 3.10 6.66   | nd we apply a portfolion of portfolion of 20/99 3.29% 1.87                | 40 63 FD   |
|  | Exhibit 735   | CREDIT QUALITY We track delinquency and cha same credit and portfolio man [HHS 03138142] Delinquency Two-Months-and-Over Coutr consumer receivables): Managed: Real estate secured Auto finance MasterCard/Visa Private label                           | argenent process of actual Manage 3/31/00 1 2.99% 1.52 3.06 5.94 8.56 4.43%                                      | *  au a manage dures as on d Delinque 2/31/99 5 3.27% 2.43 2.78 5.97 8.81                               | d basis an our owne our owne our owne our owne our owne or our owne or our owne our owne our owne our owne our our owne our our owne our o | id we applied portfolion of portfolion of portfolion of 530/99 3.29% 1.87 | 40 B FD  |
|  |   | CREDIT QUALITY We track delinquency and cha same credit and portfolio man [HHS 03138142] Delinquency Two-Months-and-Over Coutr consumer receivables): Managed: Real estate secured Auto finance MasterCard/Visa Private label                           | argeoff levels of actual Manage 3/31/00 1 2.99% 1.52 3.06 5.94 8.56 4.43%  | an a manage dures as on d Delinque 3.27% 2.43 2.78 5.97 8.81  | d basis an our owne our owne our owne or owne of as a p 1/30/99 43.10 2.26 3.10 6.66   | id we applied portfolion of portfolion percent of: 3.29%                  | #  |
| <u></u>                                |   | We track delinquency and cha same credit and portfolio man [HHS 03138142] Delinquency Two-Mouths-and-Over Coutri consumer receivables): Managed: Real estate secured Auto finance MasterCardVisa Private label  | argeoff levels of agement process actual Manage 3/31/00 1 2.99% 1.52 3.06 5.94 8.56 4.43%                        | an a manage dures as on dures as on 2/31/99 52/31/99 52.43 2.78 5.97 8.81                               | d basis an our owne our owne (as a p. 1/30/99 4. 3.46% 2.26 3.10 6.66  | id we applied portfolion between of 1 29% 1.87                            | <del>**</del>  |
|  |   | Managed: Real estate secured Auto finance MasterCardVisa Private label  | agement processed actual Manage 3/31/00 1 1.52 1.52 3.06 5.94 8.56 4.43%   | d Delinques 2/31/99 5 2/31/99 5 2.43 2.78 5.97 8.81   | our owns<br>ncy (as a p<br>1/30/99<br>3.46%<br>2.26<br>3.10<br>6.66  | nd portfolic<br>6/30/99<br>3.29%  | 92 m   |
|  |   | Delinquency Two-Months-and-Over Coutra consumer receivables): Managed: Real estate secured Auto finance MasterCard/Visa Private label   | actual Manage<br>3/31/00 1<br>2.99%<br>1.52<br>3.06<br>5.94<br>8.56<br>4.43%                                     | d Delinques 2/31/99 9 3.27% 2.43 2.78 5.97 8.81   | ncy (as a p<br>//30/99 4<br>3.46%<br>3.10<br>6.66  | 6/30/99<br>6/30/99<br>3.29%   | managed<br>3/31/99<br>3.54%<br>1.74  |
|  |   | Two-Monthis-and-Over Coutra consumer receivables): Managed: Real estate secured Auto finance MasterCardVisa Private label   | actual Manage<br>3/31/00 1<br>2.99%<br>1.52<br>3.06<br>5.94<br>8.56<br>4.43%                                     | d Delinque<br>2/31/99 9<br>3.27%<br>2.43<br>2.78<br>5.97<br>8.81  | ncy (as a p<br>//30/99<br>3.46%<br>3.10<br>6.66  | 6/30/99<br>3.29%  | managed<br>3/31/99<br>3.54%<br>1.74  |
|  |   | Consumer receivables):  Managed: Real estate secured Auto finance MasterCardVisa Private label  | 3/31/00 1<br>2.99%<br>1.52<br>3.06<br>5.94<br>8.56<br>4.43%  | 2/31/99 9 3.27% 2.43 2.78 5.97 8.81   | 3.46%<br>2.26<br>3.10<br>6.66  | 6/30/99<br>3.29%<br>1.87  | 3/31/99<br>3.54%<br>1.74   |
|  |   | Managed: Real estate secured Auto finance MasterCardVisa Private label  | 3/31/00 1<br>2.99%<br>1.52<br>3.06<br>5.94<br>8.56<br>4.43%  |   |  | 6/30/99<br>3.29%<br>1.87  | 3/31/99<br>3.54%<br>1.74   |
|  | <u></u>   | Managed: Real estate secured Auto finance MasterCardVisa Private label  | 2.99%<br>1.52<br>3.06<br>5.94<br>8.56<br>4.43%   | 3.27%<br>2.43<br>2.78<br>5.97<br>8.81   | 3.46%<br>2.26<br>3.10<br>6.66  | 3.29%<br>1.87   | 3.54%<br>1.74  |
|  |   | Real estate secured Auto finance MasterCard/Visa Private label  | 2.99%<br>1.52<br>3.06<br>5.94<br>8.56<br>4.43%   | 3.27%<br>2.43<br>2.78<br>5.97<br>8.81   | 3.46%<br>2.26<br>3.10<br>6.66  | 3.29%   | 3.54%<br>1.74  |
|  | _   | Auto finance MasterCard/Visa Private label  | 1.52<br>3.06<br>5.94<br>8.56<br>4.43%  | 2.43<br>2.78<br>5.97<br>8.81  | 2.26<br>3.10<br>6.66   | 1.87  | 1.74   |
|  |   | MasterCard/Visa<br>Private label  | 3.06<br>5.94<br>8.56<br>4.43%  | 2.78<br>5.97<br>8.81  | 3.10<br>6.66   | ,   |  |
| <del></del>                            |   | Private label   | 5.94<br>8.56<br>4.43%  | 5.97<br>8.81  | 99'9   | 3.11  | 3.61   |
|  |   | Cd  | 8.56<br>4.43%  | 8.61  |  | 6.62  | 6.37   |
|  |   | Cities unsecured  | 4.43%  |   | 8.57   | 8.17  | 7.84   |
| <del></del>                            |   | Total   |  | 4.66%   | 4.89%  | 4.72%   | 4.81%  |
|  |   | Owned   | 4.58%  | 4.81%   | 5.24%  | 4.96%   | 5.04%  |
|  |   |   | [HHS 03138142]   | 38142]  |  |   |  |
|  |   |   |  | #   | *  | *   |  |
|  |   |   | •  |   | ,  | . :   |  |
|  |   | "Owned consumer two-m<br>receivables was 4.58 perce   | onths-and-orent at March   | rer contra<br>31, 2000,   | ctual dei<br>compar  | iinquenc<br>ed with 4   | "Owned consumer two-months-and-over contractual definquency as a percent of owned consumer receivables was 4.58 percent at March 31, 2000, compared with 4.81 percent at December 31, 1999   |
|  |   | and 3.04 percent at Marci   | n 31, 1999.<br>er of 2000 '  | The annu-   | alized co  | onsumer<br>Co   | and 3.04 percent at March 31, 1999. The annualized consumer owned chargeoff ratio was 3.53 nervent in the first morter of 2000 command with 3.63 nervent in the first morter of 2000 command with 3.63 nervent in the first morter of 2000 command with 3.63 nervent in the first morter of 2000 command with 3.63 nervent in the first morter of 2000 command with 3.63 nervent in the first morter of 2000 command with 3.63 nervent in the first morter of 2000 command with 3.63 nervent in the first morter of 2000 command with 3.63 nervent in the first morter of 2000 command with 3.63 nervent in the first morter of 2000 command with 3.63 nervent in the first morter of 2000 command with 3.63 nervent in the first morter of 2000 command with 3.63 nervent in the first morter of 2000 command with 3.63 nervent in the first morter of 2000 command with 3.63 nervent in the 3.63 |
|  | **************************************                    | percent in the vegr-goon  | or or zavou, o<br>namer CHHS   | ::::::::::::::::::::::::::::::::::::::  | ¥181<br>¥.   | oz perce  | percent in the year-ago quarter. IHHS 041481471  |
|  |   | The second of the second of   |  |   | _  |   |  |
|  |   | Managed consumer two-   | -months-and  | over cor  | rtractual  | delinqu   | Managed consumer two-months-and-over contractual delinquency as a percent of managed   |
|  | · · · · · ·   | consumer receivables wa   | as 4.43 perc   | ent at M  | arch 31.   | 2000.   | compared with 4.66 percent at  |
|  |   | December 31, 1999 and 4.  | .81 percent a  | t March 3   | 1, 1999.   | The ann   | December 31, 1999 and 4.81 percent at March 31, 1999. The annualized total consumer managed  |
|  |   | chargeoff ratio was 4.00 p  | percent in th  | e first qu  | arter of   | 2000, co.   | chargeoff ratio was 4.00 percent in the first quarter of 2000, compared with 3.96 percent in the   |
|  |   | prior quarter and 4.37 percent in the year-ago quarter." [HHS 03138137]   | cent in the y  | ear-ago q   | uarter."   | [HHS 0  | 3138137]   |

|      |                | gest<br>ond<br>i.t.to<br>any<br>sent   | ncy<br>ved<br>sent<br>The   | · . |
|------|----------------|--|---|-----|
|      | Statement      | July 19, 2000 Household Press Release entitled "Household International Reports Record Strongest Second Quarter in Its History": Household "reported that earnings per share rose to a second quarter record \$.80, up 19 percent from \$.67 a year ago. Net income increased 17 percent to \$383.9 million, from \$326.9 million in the second quarter of 1999 The company's managed receivables portfolio grew 22 percent from a year ago, reaching almost \$80 billion. The company added \$4.5 billion of receivables in the quarter, an increase of 6 percent. Revenues rose 20 percent compared to the year-ago quarter." [HHS 03407363] | "Credit Quality and Loss Reserves Credit quality improved dramatically during the quarter, as dollars of chargeoff and delinquency declined from first quarter levels. At June 30, the managed delinquency ratio (60+days) improved for the third consecutive quarter, to 4.16 percent. This represented a 27 basis-point improvement from the first quarter and a 56 basis-point improvement from a year ago. The annualized managed net chargeoff ratio for the second quarter feel 26 basis points sequentially, to 3.74 percent. The chargeoff ratio was 4.10 percent a year ago." [HHS 03407364] |     |
|      | Document Title | Household Press<br>Release<br>Plaintiffs'<br>Exhibit 884   |   |     |
|      | Date ]         | 07/19/2000   |   |     |
| Stmt | No.            | ٥٥ ×   |   |     |

| Start |            |                |   |   |
|-------|------------|----------------|---|---|
| No.   | Date       | Document Title | Statement   |   |
| 9.    | 08/11/2000 | Household 10-Q | Household 10-Q for 6/30/00 quarter ending:  | Household 10-Q for 6/30/00 quarter ending: Household reported net income of \$383.9 million for   |
|       |            | Plaintiffs     | the quarter ended June 30, 2000 and EPS of \$0.80:  | \$0.80:   |
|       |            | Exhibit 404    | CREDIT QUALITY  |   |
|       |            |                | We track delinquency and chargeoff levels on a managed basis and we apply the   | naged basis and we apply the  |
|       |            |                | same credit and portiono management procedures as on our owned portiono. [HHS 02879712]   | s on our owned portfolio.   |
|       |            |                | Delinquency   |   |
|       |            |                | Two-Months-and-Over Contractual Managed Delinquency (as a percent of managed  | quency (as a percent of managed   |
|       |            |                | 00/15/8 02/05/9   | 12/31/99 9/30/99 6/30/99  |
|       |            |                |   |   |
|       |            |                | Real estate secured 2.72% 2.99%   | 3.27% 3.46% 3.29%   |
| _     |            |                | Auto finance 1.99 1.52  | 2.43 2.26 1.87  |
| _     |            | •              | MasterCardVisa 3.14 3.06  |   |
|       |            |                |   | 99.9  |
|       |            |                |   | 8.81 8.57 8.17  |
|       |            |                | Total 4.16% 4.43%   | 4.66% 4.89% 4.72%   |
|       |            |                | Owned 4.25% 4.58%   | 4.81% 5.24%   |
|       |            |                |   | [HHS 02879693]  |
|       |            |                |   |   |
|       |            |                | *   | *   |
|       |            | ***            |   |   |
|       |            | ,              | Cwned consumer two-months-and-over confectivables was 4.25 percent, compared with June 30, 1999. The annualized total consumwas 3.27 percent, compared with 3.53 percent. | "Owned consumer two-months-and-over contractual delinquency as a percent of owned consumer receivables was 4.25 percent, compared with 4.58 percent at March 31, 2000 and 4.96 percent at June 30, 1999. The annualized total consumer owned chargeoff ratio in the second quarter of 2000 was 3.27 percent, compared with 3.53 percent in the prior quarter and 3.54 percent in the year-ago |
|       |            |                | quarter. [HHS 028/9/06]   |   |
|       |            |                | Managed consumer two-months-and-over  | Managed consumer two-months-and-over contractual delinquency as a percent of managed  |
|       |            |                | consumer receivables was 4.16 percent, consumer at line 30, 1999. The amusing the   | consumer receivables was 4.16 percent, compared with 4.43 percent at March 31, 2000 and 4.72  |
|       |            | *********      | quarter of 2000 was 3.74 percent, compared  | quarter of 2000 was 3.74 percent, compared with 4.00 percent in the prior quarter and 4.10 percent  |
|       |            |                | in the year-ago quarter." [HHS 02879706]  |   |

| Strat | Park       | December 1741                 |  |
|-------|------------|-------------------------------|--|
| 3     | 10/10/2000 | Document Link                 |  |
| <br>≓ | 10/18/2000 | Household Press Refease       | October 18, 2000 Household Press Release entitled "Household International Reports Highest Onarterly RPS in Its History Ninth Consequence Decord October 11, 11, 11, 11, 11, 11, 11, 11, 11, 11  |
|       |            |                               | Commency as a manufacture of the commence of t |
|       |            | Plaintiffs'                   | rose to a third quarter record of \$451.2 million, a 13 necent increase from \$300 0 million a year.   |
|       |            | Exhibit 505                   | ago." [HHS 02914234]   |
|       |            |                               | * *  |
|       | , -        |                               | "Our strong third quarter results reflect a continuation of outstanding receivables and revenue  |
|       |            |                               | growth. At the same time, we achieved year-over-year improvements in credit quality."  |
|       |            |                               | [HHS 02914234]   |
|       |            |                               | * *  |
|       |            |                               |  |
|       |            |                               | Credit (quality and Loss Reserves  |
|       |            |                               | The annualized managed net chargeoff ratio for the third quarter improved for a second consecutive   |
|       |            |                               | quarter, to 3.4/ percent from 3./4 percent in the second quarter. Dollars of net chargeoff also fell   |
|       |            |                               | the lower of a reasonable qualities. The united quarter chargeout range of popped 62 basis points from   |
|       |            |                               | definition ratio (604-days) was 4.21 necent compared with 4.15 necests in the managed  |
|       |            |                               | and significantly below the year-ago level of 4.89 percent." [HHS 02914235]  |
| 11.   | 11/01/2000 | St. Louis<br>Dispatch article | "Streem says HFC never pressures people to buy credit life insurance." [HHS 03238043]  |
|       |            | 4                             | -  |
|       |            | Plaintiffs'<br>Exhibit 824    |  |
|       |            |                               |  |
|       |            |                               |  |
|       |            |                               |  |
|       |            |                               |  |
|       |            |                               |  |
|       |            |                               |  |
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| 7    |            |   |   |                                      |                         |                            |                                      |                          |  |
|------|------------|---|---|--------------------------------------|-------------------------|----------------------------|--------------------------------------|--------------------------|--|
| Stat |            |   |   |                                      |                         |                            |                                      |                          |  |
| No.  | Date       | Document Title                          | Statement   |                                      |                         |                            |                                      |                          |  |
| 12.  | 11/14/2000 | Household 10-Q                          | Household 10-Q for quarter ending 9/30/2000: "Household reported net income of \$451.2 million                  | larter ending 9/3(                   | 3/2000; "E              | Tousehold re               | sported net inc                      | ome of \$451.2 million   |  |
| •    |            |   | for the quarter ended September 30, 2000 and EPS of \$0.95 JHHT (0015984)                                       | September 30, 20                     | 100 and EP              | S of \$0.95                | THHT 001598                          | 41.                      |  |
|      |            | Defendants'                             | ŧ   | 1                                    |                         | •<br>•<br>•                | - Comman                             | <del>-</del>             |  |
|      |            | Exhibit \$58                            |   |                                      |                         |                            |                                      |                          |  |
|      |            |   | CREDIT QUALITY  We track delinquency and chargeoff levels on a managed basis and we apply the same credit and   | i chargeoff levels or                | १ व गःशाबद्वस्य         | basis and we               | apply the same c                     | redit and                |  |
|      |            |   | portfolio management procedures as on our owned portfolio.  | ocedures as on our o                 | wned portfc             | lio.                       |                                      |                          |  |
|      |            |   | Delinquency Two-Months-and-Over Contractual Managed Delinquency (as a percent of managed consumer receivables): | ontractual Managed                   | l Delinquenc            | y (as a perce              | nt of managed cor                    | sumer                    |  |
|      |            |   | ,   | September 30,                        | June 30,                | March 31,                  | December 31,                         | September 30,            |  |
|      |            |   | Managed:  | 2000                                 | 2000                    | 2000                       | 1999                                 | 6661                     |  |
|      |            |   | Real estate secured   | 2.77%                                | 2.72%                   | 2.99%                      | 3.27%                                | 3.46%                    |  |
|      |            |   | Auto finance  | 2.19                                 | 1.99                    | 1.52                       | 2.43                                 | 2.26                     |  |
|      |            |   | MasterCard/Visa   | 3.48                                 | 3.14                    | 3.06                       | 2.78                                 | 3,10                     |  |
|      |            |   | Private label   | 2.67                                 | 5.77                    | 5.94                       | 5.97                                 | 6.66                     |  |
|      |            |   | Other unsecured   | 7.72                                 | 7.92                    | 8.56                       | 8.81                                 | 8.57                     |  |
|      |            |   | Total Managed   | 421%                                 | 4.16%                   | 4,43%                      | 4.66%                                | 4.89%                    |  |
|      |            |   | Owned   | 4.29%                                | 4.25%                   | 4.58%                      | 4.81%                                | 5.24%                    |  |
|      |            |   |   | 岜                                    | [HHT 0015998]           | 181                        |                                      |                          |  |
|      |            |   |   | 1                                    | *                       | *                          |                                      |                          |  |
|      |            |   | "Owned consumer two-months-and-over contractual delinquency as a percent of owned consumer                      | -months-and-ov                       | er contract             | tual delinqu               | ency as a perce                      | sat of owned consumer    |  |
|      |            |   | September 30, 1999. The annualized consumer owned charpenfiration the third opening of 2000.                    | caccia, compare<br>The annualized or | zu wann 4z<br>Onsumer o | co percent a<br>wred charm | at June 30, 200<br>eoff ratio in the | U and 5.24 percent at    |  |
|      |            |   | was 3.01 percent, compared with 3.27 percent in the prior quarter and 3.63 nercent in the vear-ago              | pared with 3.27 p                    | ercent in t             | he prior que               | arter and 3.63 m                     | ercent in the vear-ago   |  |
|      |            |   | quarter.  |                                      |                         | - L                        | 4                                    | oreomem and Jose ago     |  |
|      |            |   | -   | ,                                    |                         | •                          |                                      |                          |  |
|      |            |   | Managed consumer two-months-and-over contractual delinquency as a percent of managed                            | -months-and                          | over comb               | ractual delli              | nquency as a                         | percent of managed       |  |
|      |            |   | consumer receivables was 4.21 percent at September 30, 2000, compared with 4.16 percent at June                 | was 4.21 percent                     | at Septem               | ber 30, 2000               | 0, compared w                        | ith 4.16 percent at June |  |
|      |            | *************************************** | 26, 2000 and 4.89 pe  | rcent at Septem                      | ber 30, 15              | 99. The a                  | mnualized tots                       | d consumer managed       |  |
|      |            |   | chargeon rano in the third quarter of 2000 was 3.47 percent, compared with 3.74 percent in the                  | tbird quarter of 2                   | OUU was                 | 3.47 percent               | t, compared w                        | ith 3.74 percent in the  |  |
|      |            |   | prior quarter and 4.09 percent in the year-ago quarter." [HHT 0015994]  | percent in the ye                    | ar-ago qu               | arter." [HH                | T 0015994]                           |                          |  |

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|-------|------------|--|---|--|---|---|--|---|---|---|--------------------------------|
| No.   | Date       | Document Title                           | Statement   |  |   |   |  |   |   |   |                                |
| 15.   | 03/28/2001 | Household FY00<br>Report on Form<br>10-K | Household FY00 Report on Form 10-K filed with the SEC on March 28, 2001 Household reported net income of 1.7 billion and E.P.S. of \$3.55 [HHT 0015623]:  | ort on For<br>ion and E                                      | m 10-K fi   | led with t  | he SEC or<br>F 001562                                  | 1 March 2<br>3 j:   | 8, 2001 H                               | onsehold r  | eported                        |
|       |            | Defendants'<br>Exhibit 851               | "Our focus is to use risk-based pricing and effective collection efforts for each loan. We have a process which we believe gives us a reasonable basis for predicting the credit quality of new accounts. This process is based on our experience with numerous marketing, credit and risk management tests. We also believe that our frequent and early contact with delinquent customers is helpful in managing net credit losses." [HHT 0015608] | isk-based<br>fieve givess is base<br>e also bel<br>nt custom | l pricing a es us a recad on our ieve that c errs is hely | nd effecti asonable experien sur freque rithi in ma | ve collected basis for ce with nut and ear unaging nut | fion effort<br>predicting<br>dumerous<br>rly<br>et credit k | s for each<br>s the cred<br>marketing   | i foan. We<br>lit quality<br>g, credit a<br>IHT 0015    | have a of new nd risk          |
|       |            |  | "Delinquency and Chargeoffs: Our delinquency and net chargeoff ratios reflect, among other factors, changes in the mix of loans in our portfolio, the quality of our receivables, the average age of our loans, the success of our collection efforts and general economic conditions."   | hargeoffs:<br>mix of le<br>ess of our                        | Our deli<br>sans in our<br>collection                     | nquency<br>portfolio<br>1 efforts a                 | and net c<br>, the quali<br>und genera                 | hargeoff<br>ity of our r                                    | ratios refl<br>eceivable<br>iic conditi | ect, amon<br>s, the aver<br>ons."                       | g other<br>age age             |
|       |            |  | We track delinquency and chargeoff levels on both an owned and a managed basis. We apply the same credit and portfolio management procedures to both our owned and off-balance sheet portfolios. Our focus is to use risk-based pricing and effective collection efforts for each loan. We have a process which we believe gives us a reasonable basis for predicting the credit quality of new   | / and char<br>folio ma<br>is to use n<br>we believ           | geoff leve<br>nagement<br>isk-based j                     | als on both<br>procedur<br>pricing ar<br>a reasona  | an ownerses to bot ad effective ble basis a            | d and a m<br>th our ow<br>re collective<br>for predict      | anaged barned and on efforts            | asis. We ay<br>off-balanc<br>for each k<br>edit quality | oply the e sheet an. We of new |
|       |            |  | accounts. This process is based on our experience with numerous marketing, credit and risk management tests. We also believe that our frequent and early contact with delinquent customers is belpful in managing net credit losses." [HHT 0015608]   | ss is base<br>e also beli<br>ret credit                      | ed on our<br>leve that or<br>losses." [                   | experien ur frequer HHT 001                         | ice with intandearl                                    | numerous<br>y contact                                       | marketing<br>with delin                 | g, credit a<br>quent cust                               | nd risk<br>omers is            |
|       |            |  | CONSUMER TWO-MONTH-AND-OVER CONTRACTUAL DELINQUENCY RATIOS 2000 Ounter End  | NTH-ANI  | -OVER CC  | ONTRACTUAL DI<br>2000 Ouarter End                   | UAL DELI   | NQUENCY   | RATIOS                                  | 1000 Onorton End  | to Last                        |
|       |            |  |   | য  | m   | 2   | 1  | 4   | m                                       | 2 2   | 7                              |
|       |            |  | Managed:  | 363 6  | . 701-67  | )   | ,,000  | i c   | ,                                       | ,   |                                |
|       |            |  | Auto finance  | 2.55   | 2.19  | 1.99  | 1.52   | 2.43  | 3.46%<br>2.26                           | 3.29%   | 3.54%                          |
|       |            |  | MasterCardVisa  | 3.49   | 3.48  | 3.14  | 3.06   | 2.78  | 3.10                                    | 3.11  | 3.61                           |
|       |            |  | Private [abe]   | 5.48   | 2.67  | 5.77  | 5.94   | 5.97  | 99.9                                    | 6.62  | 6.37                           |
|       |            |  | Other unsecured   | 7.97   | 7.72  | 7.92  | 8.56   | 8.81  | 8.57                                    | 8.17  | 7.84                           |
|       |            |  | Total Managed   | 470%   | 421%  | 4.16%   | 4.43%  | 4.66%   | 4.89%                                   | 4.72%   | 4.81%                          |
|       |            |  | Total Cwned   | 4.26%  | 4.29%   | 425% 4.58%  | 4.58%  | 4.81%   | 5.24%                                   | 4.96%   | 5.04%                          |
|       |            |  |   |  |   | ואה דעדע  | ניסמים   |   |   |   |                                |

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| No.   | Date       | Document Title         | Statement  |                  |                   |  |                         |                    |
| 16.   | 04/18/2001 | Household Press        | April 18, 2001 Household Press Release entitled "Household International Reports First Onarter   | old Press Re     | lease entitled "  | Household Inter  | national Repo           | orts First Onarter |
|       |            | Release                | Results, 11th Consecu  | tive Record (    | narter": House    | shold "reported t  | that earnings t         | per share rose 17  |
|       |            |                        | percent to a first quarter record of \$.91 from \$.78 a year ago. Net income increased to \$431.8  | er record of     | \$.91 from \$.78  | a year ago. Ne   | st income inco          | reased to \$431.8  |
|       |            | Plaintiffs'            | million, up 16 percent   | from \$372.9     | million in the    | first quarter of 2   | 1000. This qu           | larter marked the  |
|       |            | Exhibit 504            | 11th consecutive quarter of record results." [HHS 02914121]  | ter of record    | esults." [HHS     | 02914121]  | 4                       |                    |
|       |            |                        | "Credit Quality and Loss Reserves  | oss Reserves     |                   |  |                         |                    |
|       |            |                        | At March 31, the managed delinquency ratio (60+days) was 4.25 percent, compared to 4.43 percent  | ged delinque     | acy ratio (60+d   | ays) was 4.25 per  | reent, compare          | ed to 4.43 percent |
|       |            |                        | a year ago and 4.20 per  | cent at Decer    | aber 31, 2000.    | The annualized 1   | managed net c           | hargeoff ratio for |
|       |            |                        | the first quarter was 3.56 percent, a 44 basis points improvement from the year-ago quarter and up   | 56 percent, a    | 44 basis points   | improvement fro  | on the year-ag          | to quarter and up  |
|       |            |                        | modestly from 3.41 percent in the prior quarter." [HHS 02914123]   | reent in the 3   | rior quarter."    | THE 02914123   | ,                       | •                  |
| 17.   | 05/09/2001 | Household 10-Q         | Household 10-Q for 3/31/01 quarter ended: Household reported net income of \$431.8 million for   | 31/01 quarte     | ended: House      | hold reported ne   | tincome of \$4          | 431.8 million for  |
|       |            | Plaintiff <sup>a</sup> | use quarter ended March 31, 2001 and EPS of \$0.92 [HHS 03137911];   | cn 31, 2001 8    | nd EPS of \$U.    | 92 [HHS 031375   | 11.j:                   |                    |
|       |            | Exhibit 733            | CREDIT QUALITY   |                  |                   |  |                         |                    |
|       |            |                        | We track delinquency and chargeoff levels on a managed basis and we apply the same credit and northilin management uncerdures as on our caused marketic. | d chargeoff leve | Is on a managed I | sasis and we apply t   | he same credit a        | nd                 |
|       |            |                        | and managament anomad  |                  | ia owieu politici | .01  |                         |                    |
|       |            |                        | Delinquency Two-Months-and-Over Contractual Delinquency (se a parcent of concussors and contractual)   | ontractus) Deli  | man o so) men     | on the second se | 11                      |                    |
|       |            |                        |  | March 31,        | December 31,      | September 30,  | cervaores):<br>June 30. | Manch 31           |
|       |            |                        | Monocood   | 2001             | 2000              | 2000   | 2000                    | 2000               |
|       |            |                        | Managed:   | 2017             |                   |  | ,                       |                    |
|       |            |                        | Auto financa   | 2.01%<br>1.70    | 2.63%             | 2.77%  | 2.72%                   | 2.99%              |
|       |            |                        | Master Sud/Vies  | 3.68             | 2.40              | V.1.7  | S :                     | 1.52               |
|       |            |                        | Private John   | 90.7             | 2.47              | 0.40   | # !!<br>!               | 3.00               |
|       |            |                        | Other management   | 0.00             | 0.40              | 2.07   | 7.7.0                   | 5.94               |
|       |            |                        |  | 8.37             | 167               | 7.72   | 7.92                    | 8.56               |
|       |            |                        | Total managed  | 4.25%            | 420%              | 4.21%  | 4.16%                   | 4.43%              |
|       |            |                        | Cwned  | 436%             | 4.26%             | 4.29%  | 4.25%                   | 4.58%              |
|       |            |                        |  |                  | [HHS 03137930]    | 37930]   |                         |                    |
|       |            |                        |  |                  |                   |  |                         |                    |
|       |            |                        |  |                  |                   |  |                         |                    |
|       |            |                        |  |                  |                   |  | İ                       |                    |

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| No.   | Date       | Document Title  | Statement  |
|       |            |                 | * *  |
|       |            |                 | "Owned consumer two-months-and-over contractual delinguency as a nement of owned consumer  |
|       |            |                 | receivables was 4.36 percent at March 31, 2001, compared with 4.26 percent at December 31, 2000  |
|       |            |                 | and 4.58 percent at March 31, 2000. The annualized consumer owned chargeoff ratio in the first   |
|       | 12.0       |                 | quarter of 2001 was 3.12 percent, compared with 2.98 percent in the prior quarter and 3.53 percent   |
|       |            |                 | in the year-ago quarter.   |
|       |            |                 |  |
|       |            |                 | Managed consumer two-months-and-over contractual delinquency as a percent of managed   |
|       |            |                 | consumer receivables was 4.25 percent at March 31, 2001, compared with 4.20 percent at   |
|       |            |                 | December 31, 2000 and 4.43 percent at March 31, 2000. The annualized consumer managed  |
|       |            | THE WASHINGTON  | chargeoff ratio in the first quarter of 2001 was 3.56 percent, compared with 3.41 percent in the   |
|       |            |                 | prior quarter and 4.00 percent in the year-ago quarter." [HHS 03137924]  |
| ò     | 07/18/2001 | Household Press | July 18, 2001 Household Press Release entitled "Household International Reports Second Quarter   |
|       |            | Release         | Results; 12th Consecutive Record Quarter": Household "reported record earnings per share of \$.93,   |
|       |            |                 | up 16 percent from a year ago. Net income rose 14 percent, to \$439.0 million, from \$383.9 million  |
|       |            | Plaintiffs'     | for the second quarter of 2000."   |
|       |            | Exhibit 503     |  |
|       |            |                 | "We had a terrific quarter – our 12th consecutive quarter of record results. Given the softening   |
|       |            |                 | economic environment, I am particularly pleased with our ability to consistently deliver strong,   |
|       |            |                 | quality earnings. Results for the quarter were excellent We enjoyed strong receivable and  |
|       |            |                 | revenue growth compared to a year ago, with all of our businesses performing well. In addition, delinaments was stable in the quarter " IHES (2014)071 |
|       |            |                 | consistencial was smooth an use quarter. [LILLS 02214077]  |
|       |            |                 | "Credit Quality and Loss Reserves  |
|       |            |                 | At June 30th, the managed delinquency ratio (60+days) was 4.27 percent, stable with 4.25 percent   |
|       |            |                 | in the first quarter. The managed delinquency ratio a year ago was 4.16 percent. The annualized  |
|       |            |                 | the year-ago quarter and up modestly from 3.56 percent in the first quarter." [HHS 0.2914.098]   |
|       |            |                 |  |
|       |            |                 |  |

| 0.4   |            |                |   |                   |                 |                  |                    |                       |
|-------|------------|----------------|---|-------------------|-----------------|------------------|--------------------|-----------------------|
| Stort |            |                |   |                   |                 |                  |                    |                       |
| No.   | Date       | Document Title | Statement   |                   |                 |                  |                    |                       |
| 19.   | 07/27/2001 | Star Tribune   | Star Tribune July 27, 2001: "Megan Hayden, a Household spokeswoman, said that terms of loans        | 7, 2001: "Meg     | an Hayden, a    | Household sp     | okeswoman, sai     | d that terms of loans |
|       |            | article        | are disclosed to all customers, as required by state and federal laws. 'Frankly, you don't stay in  | istomers, as re   | equired by sta  | te and federal   | llaws. 'Frankl     | v. vou don't stay in  |
|       |            |                | business in this industry by taking advantage of your customers,' she said. 'So I take exception to | try by taking a   | dvantage of y   | our customer     | s, she said. 'So   | I take exception to   |
|       |            | Plaintiffs,    | any characterization that we engaged in predatory lending practices.""                              | that we engage    | ed in predator  | v lending pra    | ctices.""          |                       |
|       |            | Exhibit 1451   |   | )                 | •               |                  |                    |                       |
| 20.   | 08/10/2001 | Household 10-Q | Household 10-Q for 6/30/01 quarter ended: Household reported net income of \$439 million for the    | 3/30/01 quarte    | r ended: Hous   | chold reporte    | d net income of    | \$439 million for the |
|       |            |                | quarter ended June 30, 2001 and EPS of \$0.94 [AA 062721];  | 0, 2001 and E     | PS of \$0.94 [. | AA 0627211:      |                    |                       |
|       |            | Plaintiffs'    | ı   | ,                 | •               | •                |                    |                       |
|       |            | Exhibit 6      | CREDIT QUALITY  |                   |                 |                  |                    |                       |
|       |            |                | We track delinquency and chargeoff levels on a managed basis and we apply the same credit and       | nd chargeoff levi | els on a manage | d basis and we a | pply the same cred | lit and               |
|       |            |                | portfolio management procedures as on our owned portfolio.  | rocedures as on   | our owned portf | ofio.            | •                  |                       |
|       | _          |                | [AA 062738]   |                   |                 |                  |                    |                       |
|       |            |                | Delinquency   |                   |                 |                  |                    |                       |
|       |            |                | 1 wo-Months-and-Over Contractual Delinquency (as a percent of consumer receivables):                | Contractual Deli  | пquency (аз а р | ercent of consum | ner receivables):  | •                     |
|       |            |                |   | June 30,          | March 31,       | December 31,     | September 30,      | June 30,              |
|       |            |                |   | 1007              | 7007            | 0007             | 0007               | 7000                  |
|       |            |                | Managed: Real estate commad   | 2023              | 2,610%          | 679              | Š                  |                       |
|       |            |                | And Constant  | 2,00,7            | 2/10/7          | 0,007            | 2.11.70            | 2.12%                 |
|       |            |                | Auto mance  | 7.09              | 1.79            | 2.55             | 2.19               | 1.99                  |
|       |            |                | MasterCard/Visa   | 3.60              | 3.68            | 3.49             | 3.48               | 3,14                  |
|       |            |                | Private label   | 5.66              | 5,50            | 5.48             | 5.67               | 5.77                  |
| •     |            |                | Other unsecured   | 8.43              | 8.37            | 7.97             | 7.72               | 7.92                  |
|       |            |                | Total managed   | 4.27%             | 4.25%           | 420%             | 4.21%              | 4.16%                 |
|       |            |                | Owned   | 4.48%             | 4.36%           | 4.26%            | 4.29%              | 425%                  |
|       |            |                |   |                   | [AA 0           | [AA 062739]      |                    |                       |
|       |            |                |   |                   |                 |                  |                    |                       |
|       |            |                |   |                   | #               | *                |                    |                       |
|       |            |                |   |                   |                 |                  |                    |                       |
|       |            |                | Wowned consumer two-months-and-over contractual delinquency as a percent of owned consumer          | ro-months-and     | 1-over contrac  | tual delinque    | ncy as a percent   | of owned consumer     |
|       |            |                | receivables was 4.48 percent at June 30, 2001, compared with 4.36 percent at March 31, 2001 and     | percent at Jun    | e 30, 2001, co  | mpared with      | 4.36 percent at ]  | March 31, 2001 and    |
|       |            |                | 4.25 percent at June  | 30, 2000. TH      | se annualized   | consumer ov      | wned chargeoff     | ratio in the second   |
|       |            |                | quarter of 2001 was 3.26 percent, compared with 3.12 percent in the prior quarter and 3.27 percent  | .26 percent, o    | ompared with    | 3.12 percent i   | in the prior quar  | ter and 3.27 percent  |
|       |            |                | in the year-ago quart   | et.               |                 |                  |                    |                       |
|       |            |                |   |                   |                 |                  |                    |                       |

| Strut | Pert       | December 1941   |   |
|-------|------------|-----------------|---|
| 140.  | Date       | Document Little | Monored congruent two months and once contracted all  |
|       |            |                 | consumer receivables was 4.27 percent at June 30, 2001, compared with 4.25 nement at March 31   |
|       |            |                 | 2001 and 4.16 percent at June 30, 2000. The annualized consumer managed chargeoff ratio in the  |
|       |            |                 | second quarter of 2001 was 3.71 percent, compared with 3.56 percent in the prior quarter and 3.74 nercent in the year-ago quarter." [A A 06.2733] |
| 21.   | 10/17/2001 | Household Press | October 17, 2001 Household Press Release entitled "Household Reports Highest Oparterly Net  |
|       |            | Release         | Income in Its 123-Year History": Household "reported earnings per share of \$1.07 mse 14 percent  |
|       |            |                 | from \$.94 the prior year. Net income increased 12 percent, to \$504 million, from \$451 million in   |
|       |            |                 | the third quarter of 2000." [HHS 03453676]  |
|       |            | Plaintiffs'     | 1   |
|       |            | Exhibit 978     | "Credit Quality and Loss Reserves   |
|       |            |                 | At September 30th, the managed delinquency ratio (60+ days) was 4.43 percent, compared to 4.27  |
|       |            |                 | percent in the second quarter and 4.21 percent a year ago. The sequential increase was across all   |
|       |            |                 | products and was well within company expectations. The annualized managed net chargeoff ratio   |
|       |            |                 | for the third quarter was 3.74 percent, up slightly from 3.71 percent in the second quarter. The  |
|       |            |                 | managed net chargeoff ratio was 3.47 percent in the prior-year quarter." [HHS 03453677]   |
|       |            |                 |   |
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| No.   | Date       | Document Title | Statement   |                         |                           |                                  |                                    |  |
| 22.   | 11/14/2001 | Household 10-Q | Household 10-Q for quarter ended 9/30/01: Household reported net income of \$503.8 million for  | uarter ended 9/3(       | 3/01: Househ              | old reported n                   | et income of \$5                   | 503.8 million for                      |
|       |            |                | the quarter ended September 30, 2001 and EPS of \$1.09 [HHS 03111409];  | tember 30, 2001         | and EPS of \$             | 1.09 [HHS 0:                     | 3111409]:                          |  |
|       |            | Plaintiffs'    |   |                         |                           | ,                                | 1                                  |  |
|       |            | Exhibit 707    | CREDIT QUALITY  | 1.00                    | -                         |                                  | į                                  | ;                                      |
| _     |            |                | we track delinquency at   | id chargeoff levels o   | ti a managed ba<br>efotio | sis and we apply                 | the same credit a                  | nd portfolio                           |
|       |            |                | [HHS 03111425]  | מל האוועת האו האוועת לא | ruono.                    |                                  |                                    |  |
|       |            |                | Delinquency   |                         |                           |                                  |                                    |  |
|       |            |                | Two-Months-and-Over   | Contractual Delinque    | ency (as a perce          | at of consumer r                 | eceivables):                       |  |
|       |            |                |   | September 30,<br>2003   | June 30,<br>2001          | March 31,<br>2001                | December 30,                       | September 30,                          |
|       |            |                | Managed:  |                         |                           |                                  | 2007                               | 2000                                   |
|       |            |                | Real estate secured   | 2.74%                   | 2.63%                     | 2.61%                            | 2.63%                              | 2,37%                                  |
|       |            |                | Auto finance  | 2.54                    | 2.09                      | 1.79                             | 2.55                               | 2.19                                   |
|       |            |                | MasterCard/Visa   | 3.91                    | 3.60                      | 3.68                             | 3.49                               | 3,48                                   |
|       |            |                | Private labei   | 5.88                    | 5,66                      | 5.50                             | 5.48                               | 5.67                                   |
|       |            |                | Other unsecured   | 8.51                    | 8.43                      | 8.37                             | 7.97                               | 7.72                                   |
|       |            |                | Total managed   | 4.43%                   | 427%                      | 425%                             | 4.20%                              | 4.21%                                  |
|       |            |                | Owned   | 4.58%                   | 4.48%                     | 4.36%                            | 4.26%                              | 429%                                   |
|       |            |                |   |                         | [HHS 03111426]            | 1426]                            |                                    |  |
|       |            |                |   |                         | *                         | *                                |                                    |  |
|       |            |                |   |                         |                           | ÷                                |                                    |  |
|       |            |                | "Owned consumer two-months-and-over contractual delinquency as a percent of owned consumer receivables use 4.58 recent of Sentember 20, 2001, commendation of the consumer of | o-months-and-ov         | er contractua             | definduency                      | as a percent of                    | owned consumer                         |
|       |            |                | and 4.29 percent at September 30, 2000. The annualized total consumer owned chargeoff ratio in  | eptember 30, 200        | 0. The annua              | , compared wi<br>lized total cor | iui 4.40 perceni<br>Isumer owned c | at June 30, 2001<br>shargeoff ratio in |
|       |            |                | the third quarter of 2001 was 3.43 percent, compared with 3.26 percent in the prior quarter and 3.01  | 01 was 3.43 perce       | ent, compared             | 1 with 3.26 per                  | reent in the prior                 | r quarter and 3.01                     |
|       |            |                | percent in the year-ago quarter.  | go quarter.             |                           |                                  |                                    |  |
|       |            |                |   | two-months-and          | over contrac              | stual delinome                   | MCV 88 A nemo                      | ent of managed                         |
|       |            |                | consumer receivables was 4.43 percent at September 30, 2001, compared with 4.27 percent at lime   | was 4.43 percent        | t at September            | r 30, 2001, co                   | mpared with 4.7                    | 27 nercent at June                     |
|       |            |                | 30, 2001 and 4.21 percent at September 31, 2000. The annualized total consumer managed  | ercent at Septen        | 1ber 31, 2000             | The annua                        | alized total cor                   | Isumer managed                         |
|       |            |                | chargeoff ratio in the third quarter of 2001 was 3.74 percent, compared with 3.71 percent in the  | third quarter of        | 2001 was 3.7              | 4 percent, cor                   | npared with 3.                     | 71 percent in the                      |
|       |            |                | prior quarter and 3.47 percent in the year-ago quarter." [HHS 03111420]   | 7 percent in the y      | ear-ago quart             | er." [HHS 03                     | 111420]                            |  |

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|             |  |   | * * *   |
|             |  |   | "Managed delinquency as a percent of managed consumer receivables increased modestly over both the previous and prior-year quarters. Compared to the previous quarter, all products reported higher delinquencies principally as the result of a weakening economy." [HHS 03111426]   |
| 23.         | 12/04/2001                               | Goldman Sachs<br>Presentation                   | December 4, 2001 Goldman Sachs Presentation: defendants made false statements regarding Household's accounting practices, including reaging and restructuring.  |
| ·           |  | Plaintiffs'<br>Exhibit 1248                     | "Charge off policies are appropriate for our target market and result in proper loss recognition" (PFG000158)   |
|             |  |   | "All policies have been consistently applied and realistically report results" (PFG000158)  |
|             |  |   | "Why are Household's Credit Losses Better"<br>- better credit skiils (PFG000152)  |
| 4.          | 77,797,700,700,700,700,700,700,700,700,7 | Household Press Release Plaintiffs' Exhibit 706 | January 16, 2002 Household Press Release entitled "Household Reports Record Quarterly and Full. Year Net Income": Household "reported fourth quarter earnings per share of \$1.17, its fourteenth consecutive record quarter. Fourth quarter earnings per share rose 14 percent from \$1.03 the prior year. Net income in the fourth quarter increased 11 percent, to an all-time quarterly record of \$549 million. For the full year, Household reported earnings per share of \$4.08, representing a 15 percent increase from \$3.55 in 2000. Net income for 2001 totaled \$1.9 billion, also an all-time high, 13 percent above \$1.7 billion earned in 2000."  "Household's fourth quarter results were simply outstanding demonstrating the tremendous strength and earnings power of the Household franchise. Receivable and revenue growth exceeded our expectations while credit indicators weakened only modestly in a tough economic environment.  In 2001, we demonstrated that our business model generates superior results in a weak economy as well as in the strong economic periods of previous years. Exceptional revenue growth of 18 percent more than offset the increases in credit losses during the year." [HHS 03110403 - HHS 03110404] |

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|       |            |                  | "Credit Quality and Loss Reserves  |                         |                   |               |  |
|       |            |                  | At December 31st, the managed delinquency ratio (60+days) was 4.46 percent, up 3 basis points          | ency ratio (60+days)    | was 4.46 perce    | at, up 3 ba   | sis points                             |
|       |            |                  | from 4.43 percent in the third quarter. The managed delinquency ratio was 4.20 percent a year ago.     | e managed delinquen     | cy ratio was 4.2  | 20 percent a  | year ago.                              |
|       |            |                  | The annualized managed net chargeoff r   | atio for the fourth qu  | narter was 3.90   | percent, ut   | 16 basis                               |
|       |            |                  | points from 3.74 percent in the third quarter. The managed net chargeoff ratio in the year-ago         | arter. The managed      | net chargeoff r   | ratio in the  | year-ago                               |
|       |            |                  | quarter was 3.41 percent." [HHS 03110  | 405]                    | •                 |               | ······································ |
| 25.   | 02/06/2002 | Copley News      | Copley News Services - February 6, 2002: "You simply cannot stay in business for 125 years by          | 2: "You simply cann     | ot stay in busin  | tess for 125  | years by                               |
|       |            | Services article | misleading your borrowers We do the right thing for our borrowers. We make good loans                  | the right thing for ou  | ar borrowers. V   | We make g     | ood loams                              |
|       |            |                  | that not only are legal loans, but are beneficial for our customers." [p.1]                            | efficial for our custom | ners." [p.1]      | )             | •                                      |
|       |            | Plaintiffs?      |  |                         | -<br>:            |               |  |
|       |            | Exhibit 1442     |  |                         |                   |               |  |
| 26.   | 02/18/2002 | National         | National Mortgage News - February 18, 2002.  | 2002:                   |                   |               |  |
|       |            | Mortgage News    |  |                         |                   |               |  |
|       |            | article          | "Our first take on [the allegations of predatory lending raised in the ACORN action] is that it is not | atory lending raised i  | n the ACORN a     | action] is th | atitishot                              |
|       |            |                  | a significant issue, not indicative of any widespread problem and certainly not a concern that it will | ridespread problem a    | and certainly not | taconcern     | that it will                           |
|       |            | Plaintiffs'      | spread elsewhere." [TEL 002227]  | •                       |                   |               |  |
|       |            | Exhibit 1291     | •  |                         |                   |               |  |
| 27.   | 03/13/2002 | Household FY01   | Household FY01 Report on Form 10-K filed with the SEC on March 13, 2002 Household reported             | led with the SEC on     | March 13, 2002    | Househol      | reported                               |
|       |            | Report on Form   | Net Income of \$1.923 billion in 2001, and E.P.S. of \$4.13 [HHT 0015815 - HHT 0015816]:               | d E.P.S. of \$4.13 [F   | HHT 0015815-      | -HHT 001      | 5816]:                                 |
|       |            | 10-K             |  |                         |                   |               |  |
|       |            | :<br>Defendants' | Household International, Inc. and Subsidiaries CREDIT QUALITY STATISTICS – OWNED BASIS                 | BASIS                   |                   |               |  |
|       |            | Exhibit 852      | All dollar amounts are stated in millions.   | 2001 2000               | 1999              | 1998          | 1997                                   |
|       |            | 700 1011007      | At December 31, unless otherwise indicated Owned Two-Month-and-Over Contracted Delinamence Region      | . 8                     |                   |               |  |
|       |            |                  | Real estate secured  | 2.63% 2.58%             | 3.10%             | 3.95%         | 3,66%                                  |
|       |            |                  | Auto finance   |                         | 2.02              | 2.90          | 1.48                                   |
|       |            |                  | MasterCard/Visa  | 5.67 4.90               | 3.59              | 5.09          | 3,55                                   |
|       |            |                  | Private labei  | 5.99 5.60               | 60.9              | 6.03          | 5.60                                   |
|       |            |                  | Personal non-credit card   |                         | 90.6              | 8.24          | 7.55                                   |
|       |            |                  | Total consumer   | 4.53% 4.26%             | 4.82%             | 5,31%         | 4.87%                                  |
|       |            |                  |  | HILL UNIS8U9]           |                   |               |  |

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|     |      |                | Household International, Inc. and Subsidiaries  | 88                       |            |             |                |   |
|     |      |                | CREDIT QUALITY STATISTICS – MANAGED BASIS All dollar amounts are stated in 2001   | NGED BASIS               | 2000       | 1000        | 1000           | 1000  |
|     |      |                | millions.   |                          | 2          | 1333        | 1330           | 1661  |
|     |      |                | At December 31, unless otherwise  |                          |            |             |                |   |
|     |      |                | indicated   |                          |            |             |                |   |
|     |      |                | nd-Over Contractual Delinquen   | cy Ratios                |            |             |                |   |
|     |      |                | Real estate secured   | 2.68% 2.6                | 2.63%      | 3.27%       | 3.67%          | 3,69%   |
|     |      |                | Auto finance  | 3.16 2.                  | 2.55       | 2.43        | 2.29           | 2.09  |
|     |      |                | MasterCard/Visa   | 4.10 3.                  | 3.49       | 2.78        | 3.75           | 3.10  |
|     |      |                | Private label   |                          | 5.48       | 5.97        | 6.20           | 5.81  |
|     |      |                | Personal non-credit card  |                          | 7.97       | 8.81        | 7.94           | 7.81  |
|     |      |                |   | 4.46% 4.2                |            | 4.66%       | 4.90%          | 4.64%   |
|     |      |                |   | [HIHT 0015810]           | 810        |             |                |   |
|     |      |                |   | *                        | *          |             |                |   |
| _   |      |                |   | ;<br>;                   | ŀ          |             |                |   |
|     |      |                | "Management has long recognized its responsibility for conducting the company's affairs in a  | responsibilit            | y for cor  | nducting t  | he compa       | ny's affairs in a   |
|     |      |                | manner which is responsive to the interest of employees, shareholders, investors and society in   | erest of emplo           | oyees, sh  | archolder   | s, investor    | rs and society in   |
|     |      |                | general. This responsibility is included in the statement of policy on ethical standards which  | led in the stat          | sement of  | f policy o  | a ethical      | standards which   |
|     |      |                | provides that the company will fully comply with laws, rules and regulations of every community   | omply with las           | ws, rules  | and regula  | tions of e     | very community  |
|     | •    |                | the comment are connected and discontinuous   | ighest ethical           | standard   | s. Officers | s, employe     | ees and agents of   |
|     |      |                | use company are expected and unected to manage the business of the company with complete bonesty, candor and integrity ? IHHT 0015 \$2481 | 30 to manage<br>00358481 | the bush   | ness of the | e compani      | y with complete   |
|     |      | <u>.</u>       | TTTY (1775)   | *                        | *          |             |                |   |
|     |      |                | "Our credit and portfolio management procedures focus on risk-based pricing and effective   | at procedures            | s focus    | on risk-ba  | sed pricir     | o and effective   |
|     |      |                | collection efforts for each loan. We have a process which we believe gives us a reasonable basis  | ave a process            | which w    | e believe o | I<br>HVES HS a | reasonable basis  |
|     |      |                | for predicting the credit quality of new accounts. This process is based on our experience with   | w accounts. T            | This proc  | ess is base | ad on our      | experience with   |
|     |      |                | numerous marketing, credit and risk management tests. We also believe that our frement and early  | anagement tes            | its. Wea   | lso believe | that our fi    | rement and early  |
|     |      |                | contact with definquent customers, as well as policies designed to manage customer relationshine  | well as policie          | s designe  | ed to mans  | pecuston       | er relationshine  |
|     |      |                | such as reaging delinquent accounts to current in specific situations, are helpful in maximizing  | o current in s           | pecific si | tuations,   | are helpfu     | l in maximizino   |
|     |      |                | customer collections As a resul   | t, charge-off            | and delin  | quency p    | erformanc      | As a result, charge-off and delinquency performance has been well |
|     |      |                | within our expectations." [HHT 0015797]   | 797]                     |            |             |                |   |

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|        |            |  | "We believe our policies are responsive to the specific needs of the customer segment we serve  Our policies have been consistently applied and there have been no significant changes to any of our policies during any of the periods reported. Our loss reserve estimates consider our charge-off policies to ensure appropriate reserves exist for products with longer charge-off lives. We believe our charge-off policies are appropriate and result in proper loss recognition." [HHT 0015798]  |
|        |            |  | "Our policies for consumer receivables permit reset of the contractual delinquency status of an account to current, subject to certain limits, if a predetermined number of consecutive payments has been received and there is evidence that the reason for the delinquency has been cured. Such reaging policies vary by product and are designed to manage customer relationship and maximize collections." [HHT 0015798]  |
| 78.    | 04/09/2002 | Household Financial Relations Conference Plaintiffs' Exhibit 135 | April 9, 2002 Financial Relations Conference:  Credit Quality Trend Manageable, Modest Increases [chart on HHS 01883530]  Credit Policies Overview In some cases charge-off policy is longer than bank policy to optimize customer management. [HHS 01883554]  Reage Policies Overview  Reage Policies are an inherent part of value proposition for our customers for which they pay above bank prices  Not intended to defer credit loss recognition or to overstate net income policies have been consistently applied and are appropriate for each product [HHS 01883557]  Credit Policies Personal Non-Credit Card  Restructures  If an account is ever 90+, lifetime limit of 4 restructures allowed [HHS 01883579]  Defendants included information regarding Household's reage portfolio in a number of charts included in Plaintiffs' Exhibit 135 - the charts are located at HHS01883560, HHS01883561, HHS01883562, HS01883562, HS01883562, HS01883562, HS01883562, HS01883562, HS01883562, HS01883562, HS01883562, HS01883562, HS |

|        |                | rter Net<br>secutive<br>ar. Net  | rults this ity. We ity."  | ontinued<br>for the  | go. The  | percent<br>ratio for   | ote a rate  |                             |
|--------|----------------|--|---|--|--|--|---|-----------------------------|
|        | Statement      | April 17, 2002 Household Press Release entitled "Household Reports Record First Quarter Net Income": Household "reported first quarter earnings per share of \$1.09, its fifteenth consecutive record quarter. First quarter earnings per share rose 20 percent from \$.91 the prior year. Net income in the first quarter increased 18 percent, to a record \$511 million." | "Household turned in a very strong first quarter In addition to delivering record results this quarter, we strongly added to our capital and reserve levels and further enhanced liquidity. We remain committed to maintaining a strong balance sheet and maximum financial flexibility." | "Our credit quality performance was well within our expectations in light of the continued weakness in the economy We anticipate a very manageable credit environment for the remainder of the year." [HHS 02980361] | "Credit Quality and Loss Reserves At March 31st, the managed basis delinquency ratio (60+days) was 4.63 percent, up 17 basis points from 4.46 percent at year-end 2001 and up 38 basis points from 4.25 percent a year ago. The annualized managed basis net charge-off ratio for the first quarter of 4.09 percent increased 19 basis points from 3.90 percent in the fourth quarter of 2001" | "The <i>owned basis</i> delinquency ratio at March 31st was 4.77 percent, compared to 4.53 percent at December 31st and 4.36 percent a year ago. The annualized <i>owned basis</i> charge-off ratio for the first quarter was 3.61 percent compared to 3.43 percent in the previous quarter and 3.12 percent a year ago." [HHS 02980363] | Bellingham Herald - April 21, 2002: "It is absolutely against our policy to in any way quote a rate that is different than what the true rate is I can't underscore that enough." [p.1] |                             |
|        | Document Title | Household Press Release Plaintiffs' Exhibit 635  |   |  |  |  | Bellingham<br>Herald article  | Plaintiffs'<br>Exhibit 1445 |
|        | Date           | 04/17/2002   |   |  |  |  | 04/21/2002  |                             |
| Strant | No.            | 29.  | ·   |  | ·  |  | 30.   |                             |

|       |                | Chicago Tribune - May 3, 2002: "Household denied that it misleads customers. 'Acorn continues | to launch baseless accusations and lawsuits rather than work to enact real solutions to help | ment said." [p.1]  | †           |              | Household 10-Q for quarter ended 3/31/2002. Household reported net income of \$511 million, and |                                |             |                |                           |   |               |              |      |                     |              |                 |               |                          |             |                |
|-------|----------------|---|--|--|-------------|--------------|---|--------------------------------|-------------|----------------|---------------------------|---|---------------|--------------|------|---------------------|--------------|-----------------|---------------|--------------------------|-------------|----------------|
|       |                | that it misleads  | r than work to   | the lender's state   |             |              | ehold reported ne   | 4                              |             |                |                           | at of consumer  |               | March, 31    | 2001 | 2.55%               | 1.74         | 5.02            | 5.62          | 8.79                     | 4.36%       |                |
|       |                | susehold denied   | lawsuits rathe   | : marketplace,'  | 1           |              | 31/2002. Hous   |                                |             | •              |                           | quency (as a perce  |               | December 31, | 2001 | 2.63%               | 2.92         | 5.67            | 5.99          | 9.04                     | 4.53%       | [HHS 02135187] |
|       |                | y 3, 2002: "Hc  | cusations and  | ding from the  | ,           |              | arter ended 3/  | 12135167]                      | 1           |                | sis                       | ontractual Delin  | •             | March 31,    | 2002 | 2.88%               | 2.04         | 6.54            | 6.33          | 9.60                     | 4.77%       | IHIHS 02       |
|       | Statement      | Chicago Tribune – May   | to launch baseless acc   | climinate predatory lending from the marketplace,' the lender's statement said." [p.1] |             |              | Household 10-Q for qu   | E.P.S of \$1.09 [HHS 02135167] | •           | CREDIT QUALITY | Delinquency - Owned Basis | Two-Months-and-Over Contractual Delinquency (as a percent of consumer | receivables): |              |      | Real estate secured | Auto finance | MasterCard/Visa | Private [abe] | Personal non-credit card | Total Owned |                |
|       | Document Title |   | article  |  | Plaintiffs, | Exhibit 1440 | Household 10-Q  |                                | Plaintiffs, | Exhibit 232    |                           |   |               |              |      |                     |              |                 |               |                          |             |                |
|       | Date           | 05/03/2002  |  |  |             |              | 05/10/2002  |                                |             |                |                           |   |               |              | •    |                     |              |                 |               |                          |             |                |
| Strut | No.            | 31.   |  |  |             |              | 32.   |                                |             |                |                           |   |               |              |      |                     |              |                 |               |                          |             |                |

| è     |            |                 |  |
|-------|------------|-----------------|--|
| Offer |            |                 |  |
| No.   | Date       | Document Title  | Statement  |
| 33.   | 05/10/2002 | The Record      | The Record - May 10, 2002: "Our position is that the accusations [regarding predatory lending] are   |
|       |            | ancie           | passiess The toans are legal, they are compliant with state and federal laws and our own molicies and in each instance they have benefits for each currence. |
|       |            | Plaintiffs,     | conform to the company's 'tangible benefits test."   |
|       |            | Exhibit 1443    |  |
|       |            | ,               |  |
|       |            |                 |  |
|       |            |                 |  |
|       |            |                 |  |
| 34.   | 05/31/2002 | American        | American Banker - May 31, 2002: "It is our regulators' and the attorney general's job to   |
|       |            | Banker article  | investigate any complaints brought forth by consumers in their state, and we don't find anything   |
|       |            |                 | unique or surprising that they are doing their job [W]e take proper steps to work with the   |
|       |            | Plaintiffs'     | department to uncover the facts and if necessary formulate an appropriate resolution for the   |
|       |            | Exhibit 1446    | borrower." "some customers in Bellingham may have indeed been justified in their confusion   |
|       |            |                 | about the rate of their loans" and claimed Household "took full and prompt responsibility" and is  |
|       |            |                 | "satisfied that this situation was localized to the Bellingham branch."  |
| 35.   | 07/02/2002 | The Oregonian   | The Oregonian - July 2, 2002: "We've made mistakes,' said Megan Hayden, spokeswoman for  |
|       |            |                 | the Prospect Heights, Ill., company. 'Is there a companywide pattern of abuse? Absolutely not.""   |
|       |            | Plaintiffs'     |  |
|       |            | Exhibit 1447    |  |
| 36.   | 07/17/2002 | Household Press | July 17, 2002 Household Press Release entitled "Household Reports Record Second Quarter  |
|       |            | Release         | Results on Strong Receivables Growth": Household "reported second quarter earnings per share   |
|       |            |                 | increased 16 percent to \$1.08, from \$.93 the prior year. These results mark Household's sixteenth  |
|       |            | Pfaintiffs'     | consecutive record quarter. Second quarter net income increased 17 percent, to a record \$514  |
|       |            | Exhibit 788     | million."  |
|       |            |                 | * * *  |
|       |            |                 | "Our results this quarter were fueled by ongoing strong demand for our loan products Growth  |
|       |            |                 | this quarter was strong, while we have maintained our conservative underwriting criteria   |
|       |            |                 | [HHS 03195884]   |

| Stmt<br>No. | Date       | Document Title   | Statement   |
|-------------|------------|--|---|
|             |            |  | "Credit Quality and Loss Reserves  At June 30th, the managed basis delinquency ratio (60+days) was 4.53 percent, down 10 basis points from 4.63 percent at the end of March, led by improvement in the MasterCard/Visa portfolio. The managed basis delinquency ratio was 4.27 percent a year ago. The annualized managed basis netcharge-off ratio for the second quarter of 4.26 percent was 17 basis points higher than the first quarter and 55 basis points higher than a year ago." |
|             |            |  | "The <i>owned basis</i> delinquency ratio at June 30th was 4.61 percent, compared to 4.77 percent at March 31st and 4.48 percent a year ago. The annualized <i>owned basis</i> net charge-off ratio for the second quarter was 3.76 percent compared to 3.61 percent in the previous quarter and 3.26 a year ago." [HHS 03195886]   |
| <u>.</u>    | 08/14/2002 | Household Press<br>Release<br>Plaintiffs'<br>Exhibit 227 | August 14, 2002 Household Press Release entitled "Household International Certifies Accuracy of SEC filings in 2002": "Household's results for the year-to-date have been fueled by strong demand for our loan products throughout our businesses. Our loan underwriting approach continues to be conservative in these times of economic uncertainty, and we remain committed to strong reserve and capital levels." [HHS 02133695]  |
| ·           |            |  |   |

| Strut |            |                             |  |                                 |   |
|-------|------------|-----------------------------|--|---------------------------------|---|
| No.   | Date       | Document Title              | Statement  |                                 |   |
| 38.   | 08/14/2002 | Household 10-Q              | Household 10-Q for quarter-e   | nded 6/30/2002 issued           | Household 10-Q for quarter-ended 6/30/2002 issued on 8/14/2002. Household reported net income   |
|       |            | Defendants'                 | or \$30/ mallion and E.F.S. or \$1.08 [HHI 001/112]  | \$1.08 [HHT 0017112             | 21  |
|       |            | Exhibit 874                 | CREDIT QUALITY   |                                 |   |
|       |            |                             | Delinquency – Owned Basis Two-Months-and-Over Contractual Delinquency (as a percent of consumer                | ıl Delinquency (as a perce      | ant of consumer   |
|       |            |                             | receivables);  |                                 | ,   |
|       |            |                             |  | June 30, March 31,<br>2002 2002 | June 30,<br>2001  |
|       |            |                             | Real estate secured 2.7  | 2.889                           | 2.59%   |
|       |            |                             |  |                                 | 2.35  |
|       |            |                             | Visa   |                                 | 4.80  |
|       |            |                             |  |                                 | 6.54  |
|       |            |                             | Total Owned 4.6  | 9.12 9.00<br>4.61% 4.77%        | 8.75  |
|       |            |                             |  | 00171                           | D/04**  |
|       |            |                             |  | *                               | *   |
|       | ,          | ,                           | "Our credit policies for consu   | ner loans permit the 14         | "Our credit policies for consumer loans nermit the reset of the contractual delineurance status after   |
|       |            |                             | account to current, subject to o   | ertain limits, if a prede       | eser or the confidencial demiquency status of an<br>efermined number of consecutive payments has  |
|       |            |                             | been received and there is ex  | idence that the reaso           | been received and there is evidence that the reason for the delinquency has been cured. Such  |
|       |            |                             | reaging  | ,                               |   |
|       |            |                             | policies vary by product and a   | we designed to manag            | policies vary by product and are designed to manage customer relationship and ensure maximum  |
|       |            |                             | Concession parts 3011132   | *                               | *   |
|       |            |                             | Household reiterated this disci  | losure in its Form 10-1         | Household reiterated this disclosure in its Form 10-K/A for fiscal year 2001, filed with the SEC on August 27, 2002.                          |
| 39.   | 08/23/2002 | Origination<br>News article | Origination News - August 23, 2002: "We clearly follor regulations,' Household spokeswoman Megan Hayden said." | 23, 2002: "We cle               | Origination News - August 23, 2002: "We clearly follow all state and federal laws and regulations,' Household spokeswoman Megan Hayden said." |
|       |            | Plaintiffs'<br>Exhibit 1439 |  |                                 |   |
|       |            |                             |  |                                 |   |

#### TABLE B

| <u>Date</u>           | Amount                |
|-----------------------|-----------------------|
| 07/30/99              | \$O per share         |
| 08/02/99              | \$O per share         |
| 08/03/99              | \$O per share         |
| 08/04/99              | \$oper share          |
| 08/05/99              | \$O per share         |
| 08/06/99              | \$0 per share         |
| 08/09/99              | \$0 per share         |
| 08/10/99              | \$                    |
| 08/11/ <del>9</del> 9 | \$                    |
| 08/12/99              | \$O per share         |
| 08/13/99              | \$ <i>O</i> per share |
| 08/16/99              | \$                    |
| 08/17/99              | \$                    |
| 08/18/99              | \$O per share         |
| 08/19/99              | \$                    |
| 08/20/99              | \$                    |
| 08/23/99              | \$per share           |
| 08/24/99              | \$O per share         |
| 08/25/99              | \$per share           |
| 08/26/99              | \$Ô_per share         |
| 08/27/99              | \$                    |
| 08/30/99              | \$                    |
| 08/31/99              | \$ 0 per share        |
| 09/01/99              | \$O per share         |
| 09/02/99              | \$                    |
| 09/03/99              | \$                    |
| 09/07/99              | \$O per share         |
| 09/08/99              | \$O per share         |
| 09/09/99              | \$per share           |
| 09/10/99              | \$                    |

4

| Date     | Amount                |
|----------|-----------------------|
| 09/13/99 | \$                    |
| 09/14/99 | \$ O per share        |
| 09/15/99 | \$                    |
| 09/16/99 | \$per share           |
| 09/17/99 | \$per share           |
| 09/20/99 | \$per share           |
| 09/21/99 | \$per share           |
| 09/22/99 | \$                    |
| 09/23/99 | \$                    |
| 09/24/99 | \$per share           |
| 09/27/99 | \$O per share         |
| 09/28/99 | \$ per share          |
| 09/29/99 | \$O per share         |
| 09/30/99 | \$ <i>O</i> per share |
| 10/01/99 | \$                    |
| 10/04/99 | \$ per share          |
| 10/05/99 | \$ O per share        |
| 10/06/99 | \$ O per share        |
| 10/07/99 | \$                    |
| 10/08/99 | \$ O per share        |
| 10/11/99 | \$ 0 per share        |
| 10/12/99 | \$O per share         |
| 10/13/99 | \$                    |
| 10/14/99 | \$                    |
| 10/15/99 | \$per share           |
| 10/18/99 | \$                    |
| 10/19/99 | \$                    |
| 10/20/99 | \$ per share          |
| 10/21/99 | \$                    |
| 10/22/99 | \$O per share         |
| 10/25/99 | \$O per share         |

| Date     | Amount                  |
|----------|-------------------------|
| 10/26/99 | \$O per share           |
| 10/27/99 | \$                      |
| 10/28/99 | \$ <i>O</i> _ per share |
| 10/29/99 | \$O per share           |
| 11/01/99 | \$O per share           |
| 11/02/99 | \$                      |
| 11/03/99 | \$O per share           |
| 11/04/99 | \$                      |
| 11/05/99 | \$                      |
| 11/08/99 | \$                      |
| 11/09/99 | \$per share             |
| 11/10/99 | \$ per share            |
| 11/11/99 | \$per share             |
| 11/12/99 | \$ per share            |
| 11/15/99 | \$ per share            |
| 11/16/99 | \$ <b>0</b> per share   |
| 11/17/99 | \$ 0 per share          |
| 11/18/99 | \$per share             |
| 11/19/99 | \$per share             |
| 11/22/99 | \$ per share            |
| 11/23/99 | \$ per share            |
| 11/24/99 | \$ per share            |
| 11/26/99 | \$per share             |
| 11/29/99 | \$ per share            |
| 11/30/99 | \$ per share            |
| 12/01/99 | \$                      |
| 12/02/99 | \$per share             |
| 12/03/99 | \$per share             |
| 12/06/99 | \$ <i>0</i> per share   |
| 12/07/99 | \$per share             |
| 12/08/99 | \$ <i>D</i> per share   |

| Date        | Amount                |
|-------------|-----------------------|
| <del></del> |                       |
| 12/09/99    | \$ O per share        |
| 12/10/99    | \$ <u>0</u> per share |
| 12/13/99    | \$ per share          |
| 12/14/99    | \$ per share          |
| 12/15/99    | \$per share           |
| 12/16/99    | \$ O per share        |
| 12/17/99    | \$ per share          |
| 12/20/99    | \$ per share          |
| 12/21/99    | \$                    |
| 12/22/99    | \$                    |
| 12/23/99    | \$ <b>O</b> per share |
| 12/27/99    | \$O per share         |
| 12/28/99    | \$per share           |
| 12/29/99    | \$ 0 per share        |
| 12/30/99    | \$                    |
| 12/31/99    | \$                    |
| 01/03/00    | \$per share           |
| 01/04/00    | \$per share           |
| 01/05/00    | \$D per share         |
| 01/06/00    | \$ per share          |
| 01/07/00    | \$                    |
| 01/10/00    | \$ <i>O</i> per share |
| 01/11/00    | \$O per share         |
| 01/12/00    | \$ <i>O</i> per share |
| 01/13/00    | \$O per share         |
| 01/14/00    | \$O per share         |
| 01/18/00    | \$O per share         |
| 01/19/00    | \$O per share         |
| 01/20/00    | \$ per share          |
| 01/21/00    | \$                    |
| 01/24/00    | \$                    |
|             |                       |

| <u>Date</u> | Amount         |
|-------------|----------------|
| 01/25/00    | \$             |
| 01/26/00    | \$ per share   |
| 01/27/00    | \$ per share   |
| 01/28/00    | \$             |
| 01/31/00    | \$O per share  |
| 02/01/00    | \$ per share   |
| 02/02/00    | \$             |
| 02/03/00    | \$ 0 per share |
| 02/04/00    | \$O per share  |
| 02/07/00    | \$ O per share |
| 02/08/00    | \$per share    |
| 02/09/00    | \$O per share  |
| 02/10/00    | \$ 0 per share |
| 02/11/00    | \$             |
| 02/14/00    | \$O per share  |
| - 02/15/00  | \$ O per share |
| 02/16/00    | \$ 0 per share |
| 02/17/00    | \$             |
| 02/18/00    | \$ per share   |
| 02/22/00    | \$ 0 per share |
| 02/23/00    | \$ O per share |
| 02/24/00    | \$O per share  |
| 02/25/00    | \$ per share   |
| 02/28/00    | \$             |
| 02/29/00    | \$per share    |
| 03/01/00    | \$ per share   |
| 03/02/00    | \$per share    |
| 03/03/00    | \$per share    |
| 03/06/00    | \$ O per share |
| 03/07/00    | \$ per share   |
| 03/08/00    | \$per share    |

| <u>Date</u> | Amount         |
|-------------|----------------|
| 03/09/00    | \$ per share   |
| 03/10/00    | \$             |
| 03/13/00    | \$ per share   |
| 03/14/00    | \$ per share   |
| 03/15/00    | \$ per share   |
| 03/16/00    | \$ per share   |
| 03/17/00    | \$per share    |
| 03/20/00    | \$per share    |
| 03/21/00    | \$O per share  |
| 03/22/00    | \$ per share   |
| 03/23/00    | \$per share    |
| 03/24/00    | \$per share    |
| 03/27/00    | \$O per share  |
| 03/28/00    | \$ O per share |
| 03/29/00    | \$ per share   |
| 03/30/00    | \$ 0 per share |
| 03/31/00    | \$ O per share |
| 04/03/00    | \$ O per share |
| 04/04/00    | \$ per share   |
| 04/05/00    | \$per share    |
| 04/06/00    | \$O per share  |
| 04/07/00    | \$ O per share |
| 04/10/00    | \$ per share   |
| 04/11/00    | \$ O per share |
| 04/12/00    | \$             |
| 04/13/00    | \$ per share   |
| 04/14/00    | \$per share    |
| 04/17/00    | \$ per share   |
| 04/18/00    | \$ 0 per share |
| 04/19/00    | \$ O per share |
| 04/20/00    | \$ O per share |
|             |                |

| Date     | Amount                  |
|----------|-------------------------|
| 04/24/00 | \$                      |
| 04/25/00 | \$O_per share           |
| 04/26/00 | \$                      |
| 04/27/00 | \$                      |
| 04/28/00 | \$ 0 per share          |
| 05/01/00 | \$                      |
| 05/02/00 | \$ <u>0</u> per share   |
| 05/03/00 | \$ 0 per share          |
| 05/04/00 | \$ 0 per share          |
| 05/05/00 | \$O per share           |
| 05/08/00 | \$per share             |
| 05/09/00 | \$O per share           |
| 05/10/00 | \$ per share            |
| 05/11/00 | \$                      |
| 05/12/00 | \$ per share            |
| 05/15/00 | \$ per share            |
| 05/16/00 | \$ per share            |
| 05/17/00 | \$ <i>O</i> _ per share |
| 05/18/00 | \$ per share            |
| 05/19/00 | \$ per share            |
| 05/22/00 | \$                      |
| 05/23/00 | \$O per share           |
| 05/24/00 | \$ O per share          |
| 05/25/00 | \$ 0 per share          |
| 05/26/00 | \$per share             |
| 05/30/00 | \$O per share           |
| 05/31/00 | \$                      |
| 06/01/00 | \$ per share            |
| 06/02/00 | \$                      |
| 06/05/00 | \$O per share           |
| 06/06/00 | \$D per share           |
|          |                         |

| <u>Date</u> | Amount                  |
|-------------|-------------------------|
| 06/07/00    | \$                      |
| 06/08/00    | \$ per share            |
| 06/09/00    | \$per share             |
| 06/12/00    | \$ per share            |
| 06/13/00    | \$ per share            |
| 06/14/00    | \$ O per share          |
| 06/15/00    | \$ O per share          |
| 06/16/00    | \$ per share            |
| 06/19/00    | \$ <u>O</u> per share   |
| 06/20/00    | \$per share             |
| 06/21/00    | \$per share             |
| 06/22/00    | \$ <u>O</u> per share   |
| 06/23/00    | \$O per share           |
| 06/26/00    | \$per share             |
| 06/27/00    | \$ per share            |
| 06/28/00    | \$per share             |
| 06/29/00    | \$                      |
| 06/30/00    | \$                      |
| 07/03/00    | \$ per share            |
| 07/05/00    | \$ 0 per share          |
| 07/06/00    | \$per share             |
| 07/07/00    | \$ O per share          |
| 07/10/00    | \$ per share            |
| 07/11/00    | \$ per share            |
| 07/12/00    | \$ per share            |
| 07/13/00    | \$ per share            |
| 07/14/00    | \$ <i>O</i> _ per share |
| 07/17/00    | \$ O per share          |
| 07/18/00    | \$ 0 per share          |
| 07/19/00    | \$ per share            |
| 07/20/00    | \$per share             |

| <u>Date</u> | Amount         |
|-------------|----------------|
| 07/21/00    | \$per share    |
| 07/24/00    | \$ O per share |
| 07/25/00    | \$             |
| 07/26/00    | \$ O per share |
| 07/27/00    | \$O per share  |
| 07/28/00    | \$ per share   |
| 07/31/00    | \$ O per share |
| 08/01/00    | \$ per share   |
| 08/02/00    | \$ O per share |
| 08/03/00    | \$ O per share |
| 08/04/00    | \$ O per share |
| 08/07/00    | \$ per share   |
| 08/08/00    | \$ O per share |
| 08/09/00    | \$ O per share |
| 08/10/00    | \$ O per share |
| 08/11/00    | \$ 0 per share |
| 08/14/00    | \$ O per share |
| 08/15/00    | \$ per share   |
| 08/16/00    | \$O per share  |
| 08/17/00    | \$O per share  |
| 08/18/00    | \$             |
| 08/21/00    | \$O per share  |
| 08/22/00    | \$ per share   |
| 08/23/00    | \$per share    |
| 08/24/00    | \$ per share   |
| 08/25/00    | \$ per share   |
| 08/28/00    | \$ O per share |
| 08/29/00    | \$O per share  |
| 08/30/00    | \$O per share  |
| 08/31/00    | \$O per share  |
| 09/01/00    | \$per share    |
|             |                |

| Date     | Amount         |
|----------|----------------|
| 09/05/00 | \$O per share  |
| 09/06/00 | \$per share    |
| 09/07/00 | \$O per share  |
| 09/08/00 | \$per share    |
| 09/11/00 | \$o per share  |
| 09/12/00 | \$ O per share |
| 09/13/00 | \$             |
| 09/14/00 | \$             |
| 09/15/00 | \$per share    |
| 09/18/00 | \$o_per share  |
| 09/19/00 | \$             |
| 09/20/00 | \$per share    |
| 09/21/00 | \$             |
| 09/22/00 | \$O per share  |
| 09/25/00 | \$             |
| 09/26/00 | \$O per share  |
| 09/27/00 | \$per share    |
| 09/28/00 | \$per share    |
| 09/29/00 | \$             |
| 10/02/00 | \$             |
| 10/03/00 | \$O per share  |
| 10/04/00 | \$per share    |
| 10/05/00 | \$O per share  |
| 10/06/00 | \$             |
| 10/09/00 | \$per share    |
| 10/10/00 | \$ O per share |
| 10/11/00 | \$ per share   |
| 10/12/00 | \$ per share   |
| 10/13/00 | \$ per share   |
| 10/16/00 | \$O per share  |
| 10/17/00 | \$ per share   |

| <u>Date</u> | Amount                |
|-------------|-----------------------|
| 10/18/00    | \$O per share         |
| 10/19/00    | \$O per share         |
| 10/20/00    | \$O per share         |
| 10/23/00    | \$ per share          |
| 10/24/00    | \$O per share         |
| 10/25/00    | \$O per share         |
| 10/26/00    | \$                    |
| 10/27/00    | \$per share           |
| 10/30/00    | \$ O per share        |
| 10/31/00    | \$ 6 per share        |
| 11/01/00    | \$ O per share        |
| 11/02/00    | \$ O per share        |
| 11/03/00    | \$ per share          |
| 11/06/00    | \$ O per share        |
| 11/07/00    | \$O per share         |
| 11/08/00    | \$ per share          |
| 11/09/00    | \$ O per share        |
| 11/10/00    | \$O per share         |
| 11/13/00    | \$ <u>O</u> per share |
| 11/14/00    | \$ per share          |
| 11/15/00    | \$                    |
| 11/16/00    | \$O per share         |
| 11/17/00    | \$ per share          |
| 11/20/00    | \$ per share          |
| 11/21/00    | \$ per share          |
| 11/22/00    | \$ per share          |
| 11/24/00    | \$per share           |
| 11/27/00    | \$ per share          |
| 11/28/00    | \$ per share          |
| 11/29/00    | \$ per share          |
| 11/30/00    | \$per share           |

| <u>Date</u> | Amount         |
|-------------|----------------|
| 12/01/00    | \$per share    |
| 12/04/00    | \$ per share   |
| 12/05/00    | \$ O per share |
| 12/06/00    | \$ per share   |
| 12/07/00    | \$ O per share |
| 12/08/00    | \$ per share   |
| 12/11/00    | \$ 0 per share |
| 12/12/00    | \$ per share   |
| 12/13/00    | \$ per share   |
| 12/14/00    | \$per share    |
| 12/15/00    | \$per share    |
| 12/18/00    | \$ O per share |
| 12/19/00    | \$per share    |
| 12/20/00    | \$per share    |
| 12/21/00    | \$O per share  |
| 12/22/00    | \$ per share   |
| 12/26/00    | \$per share    |
| 12/27/00    | \$ per share   |
| 12/28/00    | \$ per share   |
| 12/29/00    | \$ per share   |
| 01/02/01    | \$ O per share |
| 01/03/01    | \$per share    |
| 01/04/01    | \$ per share   |
| 01/05/01    | \$per share    |
| 01/08/01    | \$oper share   |
| 01/09/01    | \$O per share  |
| 01/10/01    | \$per share    |
| 01/11/01    | \$ per share   |
| 01/12/01    | \$o per share  |
| 01/16/01    | \$ per share   |
| 01/17/01    | \$per share    |

| <u>Date</u> | Amount         |
|-------------|----------------|
| 01/18/01    | \$             |
| 01/19/01    | \$             |
| 01/22/01    | \$O per share  |
| 01/23/01    | \$O per share  |
| 01/24/01    | \$ per share   |
| 01/25/01    | \$ O per share |
| 01/26/01    | \$per share    |
| 01/29/01    | \$O per share  |
| 01/30/01    | \$per share    |
| 01/31/01    | \$O per share  |
| 02/01/01    | \$             |
| 02/02/01    | \$ O per share |
| 02/05/01    | \$ O per share |
| 02/06/01    | \$ per share   |
| 02/07/01    | \$ per share   |
| 02/08/01    | \$O per share  |
| 02/09/01    | \$O per share  |
| 02/12/01    | \$per share    |
| 02/13/01    | \$O per share  |
| 02/14/01    | \$ per share   |
| 02/15/01    | \$ per share   |
| 02/16/01    | \$O per share  |
| 02/20/01    | \$ per share   |
| 02/21/01    | \$ per share   |
| 02/22/01    | \$per share    |
| 02/23/01    | \$ per share   |
| 02/26/01    | \$O per share  |
| 02/27/01    | \$o per share  |
| 02/28/01    | \$ per share   |
| 03/01/01    | \$ 0 per share |
| 03/02/01    | \$             |

| <u>Date</u> | Amount                     |
|-------------|----------------------------|
| 03/05/01    | \$                         |
| 03/06/01    | \$                         |
| 03/07/01    | \$ O per share             |
| 03/08/01    | \$ <i>O</i> _ per share    |
| 03/09/01    | \$ 0 per share             |
| 03/12/01    | \$                         |
| 03/13/01    | \$                         |
| 03/14/01    | \$ 0 per share             |
| 03/15/01    | \$O per share              |
| 03/16/01    | \$O per share              |
| 03/19/01    | \$ 0 per share             |
| 03/20/01    | \$O per share              |
| 03/21/01    | \$O per share              |
| 03/22/01    | \$ O per share             |
| 03/23/01    | \$ <u>23.94</u> per share  |
| 03/26/01    | \$ 23.94 per share         |
| 03/27/01    | \$ 23.94 per share         |
| 03/28/01    | \$ 23.94 per share         |
| 03/29/01    | \$ 23.94 per share         |
| 03/30/01    | \$ 23.94 per share         |
| 04/02/01    | \$ 23.74 per share         |
| 04/03/01    | \$ <u>23.94</u> per share  |
| 04/04/01    | \$ 23.74 per share         |
| 04/05/01    | \$ 23.74 per share         |
| 04/06/01    | \$ <u>23.94</u> per share  |
| 04/09/01    | \$ <u>23.94</u> per share  |
| 04/10/01    | \$ 23 . 94 per share       |
| 04/11/01    | \$ 23.94 per share         |
| 04/12/01    | \$ <u>23.94</u> per share  |
| 04/16/01    | \$ <u>23.94</u> per share  |
| 04/17/01    | \$_23.94\(\per\) per share |
|             |                            |

| <u>Date</u> | Amount                      |
|-------------|-----------------------------|
| 04/18/01    | \$ 23.94 per share          |
| 04/19/01    | \$ 23.94 per share          |
| 04/20/01    | \$23.94 per share           |
| 04/23/01    | \$ 23.94 per share          |
| 04/24/01    | \$ 23,944 per share         |
| 04/25/01    | \$ 23.94 per share          |
| 04/26/01    | \$ 23.94 per share          |
| 04/27/01    | \$ 23,94 per share          |
| 04/30/01    | \$23.94 per share           |
| 05/01/01    | \$ <u>23.94</u> per share   |
| 05/02/01    | \$ <u>23.94</u> per share   |
| 05/03/01    | \$ <u>23.94</u> per share   |
| 05/04/01    | $\frac{33.94}{9}$ per share |
| 05/07/01    | \$ <u>23.94</u> per share   |
| 05/08/01    | \$ 23.94 per share          |
| 05/09/01    | \$ 23,94 per share          |
| 05/10/01    | \$ 23.94 per share          |
| 05/11/01    | \$ 23.94/ per share         |
| 05/14/01    | \$23.94 per share           |
| 05/15/01    | \$ <u>23.74</u> per share   |
| 05/16/01    | \$23.94 per share           |
| 05/17/01    | \$ 23.94 per share          |
| 05/18/01    | \$ <u>23.94</u> per share   |
| 05/21/01    | \$ 23.94 per share          |
| 05/22/01    | \$ 23.94 per share          |
| 05/23/01    | \$ 23.94 per share          |
| 05/24/01    | \$ 23.94/ per share         |
| 05/25/01    | \$ 23.94 per share          |
| 05/29/01    | \$ 23,94 per share          |
| 05/30/01    | \$ <u>23.94</u> per share   |
| 05/31/01    | \$ <u>23,94</u> per share   |
|             |                             |

| <u>Date</u> | Amount                    |
|-------------|---------------------------|
| 06/01/01    | \$ <u>23.94</u> per share |
| 06/04/01    | \$ 23.94 per share        |
| 06/05/01    | \$ 23.94 per share        |
| 06/06/01    | \$ <u>23.94</u> per share |
| 06/07/01    | \$ 23.94 per share        |
| 06/08/01    | \$ <u>23.94</u> per share |
| 06/11/01    | \$ <u>23.94</u> per share |
| 06/12/01    | \$ <u>23.94</u> per share |
| 06/13/01    | \$ <u>23.94</u> per share |
| 06/14/01    | \$ 23.94 per share        |
| 06/15/01    | \$ <u>23.94</u> per share |
| 06/18/01    | \$ 23.94 per share        |
| 06/19/01    | \$ <u>23.94</u> per share |
| 06/20/01    | \$ <u>23.94</u> per share |
| 06/21/01    | \$ <u>23,94</u> per share |
| 06/22/01    | \$ <u>23.94</u> per share |
| 06/25/01    | \$ 23.94 per share        |
| 06/26/01    | \$ <u>23.94</u> per share |
| 06/27/01    | \$ 23.94 per share        |
| 06/28/01    | \$ 23.94 per share        |
| 06/29/01    | \$ 23, 94/ per share      |
| 07/02/01    | \$ 23.94 per share        |
| 07/03/01    | \$ <u>23.94</u> per share |
| 07/05/01    | \$23.94/ per share        |
| 07/06/01    | \$ <u>23.94</u> per share |
| 07/09/01    | \$ <u>23.94</u> per share |
| 07/10/01    | \$ 23.94 per share        |
| 07/11/01    | \$ <u>23.94</u> per share |
| 07/12/01    | \$ <u>23.94</u> per share |
| 07/13/01    | \$ <u>23.94</u> per share |
| 07/16/01    | \$ 23.94 per share        |
|             |                           |

| <u>Date</u> | Amount                    |
|-------------|---------------------------|
| 07/17/01    | \$ <u>23.94</u> per share |
| 07/18/01    | \$ <u>23.94</u> per share |
| 07/19/01    | \$ <u>23.94</u> per share |
| 07/20/01    | \$ 23.94 per share        |
| 07/23/01    | \$ <u>23.94</u> per share |
| 07/24/01    | \$ <u>23.94</u> per share |
| 07/25/01    | \$_23,94_ per share       |
| 07/26/01    | \$ <u>23.94</u> per share |
| 07/27/01    | \$ <u>23.94</u> per share |
| 07/30/01    | \$ <u>23.94</u> per share |
| 07/31/01    | \$ <u>23.94</u> per share |
| 08/01/01    | \$ 23.94 per share        |
| 08/02/01    | \$ 23.94 per share        |
| 08/03/01    | \$ 23.94 per share        |
| 08/06/01    | \$ 23.94 per share        |
| 08/07/01    | \$ 23.94 per share        |
| 08/08/01    | \$ <u>23.94</u> per share |
| 08/09/01    | \$ 23.94 per share        |
| 08/10/01    | \$ <u>23.94</u> per share |
| 08/13/01    | \$ <u>23.94</u> per share |
| 08/14/01    | \$ <u>23.94</u> per share |
| 08/15/01    | \$ <u>23.94</u> per share |
| 08/16/01    | \$ <u>23.94</u> per share |
| 08/17/01    | \$_23.94_ per share       |
| 08/20/01    | \$ 23,94 per share        |
| 08/21/01    | \$ 23.94 per share        |
| 08/22/01    | \$ <u>23.94</u> per share |
| 08/23/01    | \$ <u>23,94</u> per share |
| 08/24/01    | \$ <u>23.94</u> per share |
| 08/27/01    | \$ <u>23.94</u> per share |
| 08/28/01    | \$ 23.94 per share        |
|             |                           |

| <u>Date</u> | Amount                    |
|-------------|---------------------------|
| 08/29/01    | \$ 23.94 per share        |
| 08/30/01    | \$ <u>23,94</u> per share |
| 08/31/01    | \$ <u>23.94</u> per share |
| 09/04/01    | \$ 23.94 per share        |
| 09/05/01    | \$ 23.94 per share        |
| 09/06/01    | \$_23.94 per share        |
| 09/07/01    | \$ 23.56 per share        |
| 09/10/01    | \$ 23.94 per share        |
| 09/17/01    | \$ 22.61 per share        |
| 09/18/01    | \$ <u>22.53</u> per share |
| 09/19/01    | \$ 22.38 per share        |
| 09/20/01    | \$ 22.02 per share        |
| 09/21/01    | \$ 21.5 H per share       |
| 09/24/01    | \$ 22, 62 per share       |
| 09/25/01    | \$ 22.29 per share        |
| 09/26/01    | \$ 23.03 per share        |
| 09/27/01    | \$ 23.42 per share        |
| 09/28/01    | \$ 23.94 per share        |
| 10/01/01    | \$ <u>23.94</u> per share |
| 10/02/01    | \$ <u>23.94</u> per share |
| 10/03/01    | \$ <u>23.94</u> per share |
| 10/04/01    | \$ <u>23,94</u> per share |
| 10/05/01    | \$ <u>23.94</u> per share |
| 10/08/01    | \$ <u>23.94</u> per share |
| 10/09/01    | \$ 23.94 per share        |
| 10/10/01    | \$23.94 per share         |
| 10/11/01    | \$ <u>23.94</u> per share |
| 10/12/01    | \$ 23.59 per share        |
| 10/15/01    | \$ 23.94 per share        |
| 10/16/01    | \$ 23.94 per share        |
| 10/17/01    | \$ 23.94 per share        |
|             |                           |

| <u>Date</u> | Amount                    |
|-------------|---------------------------|
| 10/18/01    | \$ 23.94 per share        |
| 10/19/01    | \$ 23 9 4 per share       |
| 10/22/01    | \$23.94 per share         |
| 10/23/01    | \$ 23.94 per share        |
| 10/24/01    | \$ <u>23.83</u> per share |
| 10/25/01    | \$ 23.94 per share        |
| 10/26/01    | \$ 23,94 per share        |
| 10/29/01    | \$ 23.42 per share        |
| 10/30/01    | \$ 23.00 per share        |
| 10/31/01    | \$ 22.48 per share        |
| 11/01/01    | \$ 22.73 per share        |
| 11/02/01    | \$ 22.67 per share        |
| 11/05/01    | \$ 23.10 per share        |
| 11/06/01    | \$ 23.94 per share        |
| 11/07/01    | \$ 23.94 per share        |
| 11/08/01    | \$ <u>23.94</u> per share |
| 11/09/01    | \$ 23.94 per share        |
| 11/12/01    | \$ 23.94 per share        |
| 11/13/01    | \$23.94 per share         |
| 11/14/01    | \$ 23.94 per share        |
| 11/15/01    | \$ 23.94 per share        |
| 11/16/01    | \$ 23.60 per share        |
| 11/19/01    | \$ 23.94 per share        |
| 11/20/01    | \$ 23.85 per share        |
| 11/21/01    | \$ 23.94 per share        |
| 11/23/01    | \$ <u>23.94</u> per share |
| 11/26/01    | \$23.94/ per share        |
| 11/27/01    | \$ 23.94 per share        |
| 11/28/01    | \$ <u>23.94</u> per share |
| 11/29/01    | \$ 23.74, per share       |
| 11/30/01    | \$ <u>33.74</u> per share |

| <u>Date</u> . | <u>Amount</u>             |
|---------------|---------------------------|
| 12/03/01      | \$22,59 per share         |
| 12/04/01      | \$ 23.94 per share        |
| 12/05/01      | \$ 23.94 per share        |
| 12/06/01      | \$ 23,94 per share        |
| 12/07/01      | \$ 23.94 per share        |
| 12/10/01      | \$ 23.30 per share        |
| 12/11/01      | \$ 22,20 per share        |
| 12/12/01      | \$ 19.80 per share        |
| 12/13/01      | \$ 20.29 per share        |
| 12/14/01      | \$ 19.64 per share        |
| 12/17/01      | \$ 20.61 per share        |
| 12/18/01      | \$ 21.84 per share        |
| 12/19/01      | \$ 22.04 per share        |
| 12/20/01      | \$ 21,75 per share        |
| 12/21/01      | \$ 21,37 per share        |
| 12/24/01      | \$ 21.60 per share        |
| 12/26/01      | \$ 21.82 per share        |
| 12/27/01      | \$ 23.30 per share        |
| 12/28/01      | \$ 23.94 per share        |
| 12/31/01      | \$ 23,28 per share        |
| 01/02/02      | \$ 22.58 per share        |
| 01/03/02      | \$ <u>22.4/</u> per share |
| 01/04/02      | \$ 23.94 per share        |
| 01/07/02      | \$ 23.19 per share        |
| 01/08/02      | \$ 22,29 per share        |
| 01/09/02      | \$ 22.42 per share        |
| 01/10/02      | \$21,70 per share         |
| 01/11/02      | \$ 19.85 per share        |
| 01/14/02      | \$ 18.53 per share        |
| 01/15/02      | \$ 20.28 per share        |
| 01/16/02      | \$ 19.87 per share        |
|               |                           |

| Date     | Amount                    |
|----------|---------------------------|
| 01/17/02 | \$                        |
| 01/18/02 | \$ <u>20.03</u> per share |
| 01/22/02 | \$ 19, 24 per share       |
| 01/23/02 | \$ <u>18.59</u> per share |
| 01/24/02 | \$ 18.86 per share        |
| 01/25/02 | \$ <u>19.70</u> per share |
| 01/28/02 | \$ 18.10 per share        |
| 01/29/02 | \$ 16.58 per share        |
| 01/30/02 | \$_/5.76 per share        |
| 01/31/02 | \$ 17. 12 per share       |
| 02/01/02 | \$ <u>17.34</u> per share |
| 02/04/02 | \$ 16,06 per share        |
| 02/05/02 | \$ <u>14.99</u> per share |
| 02/06/02 | \$_12.47 per share        |
| 02/07/02 | \$ 15.56 per share        |
| 02/08/02 | \$ 18.71 per share        |
| 02/11/02 | \$                        |
| 02/12/02 | \$ <u>/7.49</u> per share |
| 02/13/02 | \$ 18.36 per share        |
| 02/14/02 | \$ 18,04 per share        |
| 02/15/02 | \$ 18.00 per share        |
| 02/19/02 | \$ 17.84 per share        |
| 02/20/02 | \$ 17.72 per share        |
| 02/21/02 | \$ /6.00 per share        |
| 02/22/02 | \$ 16,24 per share        |
| 02/25/02 | \$ 16.45 per share        |
| 02/26/02 | \$ 16.72 per share        |
| 02/27/02 | \$ /8.55 per share        |
| 02/28/02 | \$ 17.81 per share        |
| 03/01/02 | \$ <u>19.02</u> per share |
| 03/04/02 | \$ 22.21 per share        |
|          |                           |

| <u>Date</u> | Amount                    |
|-------------|---------------------------|
| 03/05/02    | \$ <u>2/.17</u> per share |
| 03/06/02    | \$ 22.17 per share        |
| 03/07/02    | \$ 23.00 per share        |
| 03/08/02    | \$ 23.94 per share        |
| 03/11/02    | \$ 23.94 per share        |
| 03/12/02    | \$ 23.37 per share        |
| 03/13/02    | \$22.86 per share         |
| 03/14/02    | \$21.87 per share         |
| 03/15/02    | \$ <u>22.69</u> per share |
| 03/18/02    | \$ 22.93 per share        |
| 03/19/02    | \$ <u>22.77</u> per share |
| 03/20/02    | \$ 21,93 per share        |
| 03/21/02    | \$ <u>22,23</u> per share |
| 03/22/02    | \$ <u>22.39</u> per share |
| 03/25/02    | \$ <u>21.06</u> per share |
| 03/26/02    | \$ 21.66 per share        |
| 03/27/02    | \$ 21.80 per share        |
| 03/28/02    | \$ <u>21.25</u> per share |
| 04/01/02    | \$21,68 per share         |
| 04/02/02    | \$ <u>21.52</u> per share |
| 04/03/02    | \$ 20.53 per share        |
| 04/04/02    | \$ <u>21.39</u> per share |
| 04/05/02    | \$ <u>22.28</u> per share |
| 04/08/02    | \$ 23, 24 per share       |
| 04/09/02    | \$ 23.16 per share        |
| 04/10/02    | \$ 23.23 per share        |
| 04/11/02    | \$ <u>21.73</u> per share |
| 04/12/02    | \$ 22.40 per share        |
| 04/15/02    | \$ <u>22.24</u> per share |
| 04/16/02    | \$23.65 per share         |
| 04/17/02    | \$ 23.94 per share        |

| <u>Date</u> | Amount                    |
|-------------|---------------------------|
| 04/18/02    | \$23.94 per share         |
| 04/19/02    | \$ 23.94 per share        |
| 04/22/02    | \$ <u>23.94</u> per share |
| 04/23/02    | \$ 23.94 per share        |
| 04/24/02    | \$ 23.94 per share        |
| 04/25/02    | \$ 23.94 per share        |
| 04/26/02    | \$ <u>23.94</u> per share |
| 04/29/02    | \$ <u>22.70</u> per share |
| 04/30/02    | \$ <u>23.34</u> per share |
| 05/01/02    | \$ 22.61 per share        |
| 05/02/02    | \$ 21,92 per share        |
| 05/03/02    | \$ <u>21.64</u> per share |
| 05/06/02    | \$ <u>21,00</u> per share |
| 05/07/02    | \$ 20.25 per share        |
| 05/08/02    | \$ <u>21.83</u> per share |
| 05/09/02-   | \$ 21.26 per share        |
| 05/10/02    | \$ 19.64 per share        |
| 05/13/02    | \$ <u>20.72</u> per share |
| 05/14/02    | \$ 21,31 per share        |
| 05/15/02    | \$ 20.03 per share        |
| 05/16/02    | \$ 19.24 per share        |
| 05/17/02    | \$ 18.40 per share        |
| 05/20/02    | \$ 18.19 per share        |
| 05/21/02    | \$ 17.54 per share        |
| 05/22/02    | \$ /7.74 per share        |
| 05/23/02    | \$ <u>17.87</u> per share |
| 05/24/02    | \$_/7.85_ per share       |
| 05/28/02    | \$ 17.98 per share        |
| 05/29/02    | \$ /7.89 per share        |
| 05/30/02    | \$ 16.88 per share        |
| 05/31/02    | \$ 16,26 per share        |
|             |                           |

| Date     | Amount                       |
|----------|------------------------------|
| 06/03/02 | \$ 16.67 per share           |
| 06/04/02 | \$ 16.66 per share           |
| 06/05/02 | \$ 17.91 per share           |
| 06/06/02 | \$ 19.83 per share           |
| 06/07/02 | \$ 19.06 per share           |
| 06/10/02 | \$ <b>18.58</b> per share    |
| 06/11/02 | \$ 19.54 per share           |
| 06/12/02 | \$ 18.92 per share           |
| 06/13/02 | \$ <u>17.44</u> per share    |
| 06/14/02 | \$/7,62 per share            |
| 06/17/02 | \$ 18,20 per share           |
| 06/18/02 | \$ 18.08 per share           |
| 06/19/02 | \$ 17.24 per share           |
| 06/20/02 | \$ /6.02 per share           |
| 06/21/02 | \$ <u>/6./6</u> per share    |
| 06/24/02 | \$ 16,50 per share           |
| 06/25/02 | \$_ <i>15.68</i> _ per share |
| 06/26/02 | \$ 16.25 per share           |
| 06/27/02 | \$ 16.78 per share           |
| 06/28/02 | \$ 16.19 per share           |
| 07/01/02 | \$ <u>/4,84</u> per share    |
| 07/02/02 | \$ 14.94 per share           |
| 07/03/02 | \$ <u>15.76</u> per share    |
| 07/05/02 | \$ 16.69 per share           |
| 07/08/02 | \$ 16.28 per share           |
| 07/09/02 | \$ 14,58 per share           |
| 07/10/02 | \$ 12.48 per share           |
| 07/11/02 | \$ 13.14 per share           |
| 07/12/02 | \$ 14,69 per share           |
| 07/15/02 | \$ 14.17 per share           |
| 07/16/02 | \$ 15.01 per share           |
|          |                              |

| Date     | Amount                   |
|----------|--------------------------|
| 07/17/02 | \$ //. 59 per share      |
| 07/18/02 | \$ 12.56 per share       |
| 07/19/02 | \$ //. 33 per share      |
| 07/22/02 | \$ 10.38 per share       |
| 07/23/02 | \$ 9.30 per share        |
| 07/24/02 | \$ //. 68 per share      |
| 07/25/02 | \$ 10.57 per share       |
| 07/26/02 | \$ 8.68 per share        |
| 07/29/02 | \$ 9./9 per share        |
| 07/30/02 | \$ 9,55 per share        |
| 07/31/02 | \$ //. 49 per share      |
| 08/01/02 | \$ 10.63 per share       |
| 08/02/02 | \$ 9,59 per share        |
| 08/05/02 | \$ 8.// per share        |
| 08/06/02 | \$ 10,06 per share       |
| 08/07/02 | \$ 8.28 per share        |
| 08/08/02 | \$ 9.60 per share        |
| 08/09/02 | \$ <u>8.73</u> per share |
| 08/12/02 | \$ <u>8.29</u> per share |
| 08/13/02 | \$ 7.06 per share        |
| 08/14/02 | \$ 6.39 per share        |
| 08/15/02 | \$ 7,6/ per share        |
| 08/16/02 | \$ 5.76 per share        |
| 08/19/02 | \$ 5.22 per share        |
| 08/20/02 | \$ 4,65 per share        |
| 08/21/02 | \$ 4.98 per share        |
| 08/22/02 | \$ 8,14 per share        |
| 08/23/02 | \$ 5,85 per share        |
| 08/26/02 | \$ 6 . 7 per share       |
| 08/27/02 | \$ 5. 58 per share       |
| 08/28/02 | \$ 5.22 per share        |

| Date     | Amount                                  |
|----------|---|
| 08/29/02 | \$ 4, 69 per share                      |
| 08/30/02 | \$ 4.33 per share                       |
| 09/03/02 | \$ 2.96 per share                       |
| 09/04/02 | \$ 3.53 per share                       |
| 09/05/02 | \$ 2.87 per share                       |
| 09/06/02 | \$ 3,10 per share                       |
| 09/09/02 | \$ <u>5,02</u> per share                |
| 09/10/02 | \$ <u>4, 16</u> per share               |
| 09/11/02 | \$ <u>4.57</u> per share                |
| 09/12/02 | \$ 3, 73 per share                      |
| 09/13/02 | \$ 4.35 per share                       |
| 09/16/02 | \$ 3.35 per share                       |
| 09/17/02 | \$                                      |
| 09/18/02 | \$ 0.4/ per share                       |
| 09/19/02 | \$ 0.73 per share                       |
| 09/20/02 | \$ 0.64 per share                       |
| 09/23/02 | \$0.85 per share                        |
| 09/24/02 | \$ <u>-0.35</u> per share               |
| 09/25/02 | \$-0.24 per share                       |
| 09/26/02 | \$ 0.34 per share                       |
| 09/27/02 | \$_0.56 per share                       |
| 09/30/02 | \$ <u>-0.10</u> per share               |
| 10/01/02 | $\frac{-1./2}{}$ per share              |
| 10/02/02 | \$-1.13 per share                       |
| 10/03/02 | \$-0.66 per share                       |
| 10/04/02 | \$ - 1.87 per share                     |
| 10/07/02 | \$-2.45 per share                       |
| 10/08/02 | $\frac{-3.77}{4.44}$ per share          |
| 10/09/02 | \$ <u>- 4.66</u> per share              |
| 10/10/02 | \$ -0.68 per share<br>\$ 0.00 per share |
| 10/11/02 | \$per share                             |
|          |   |

# Tab 5:

Hsu v. Puma Biotechnology, Inc., No. 8:15-cv-00865-AG-SHK (C.D. Cal. Feb. 4, 2019), Jury Instructions

## **REDACTED**

#### VERDICT FORM

#### 1. MISREPRESENTATIONS AND OMISSIONS

(Please refer to the statements in the attached Appendix.)

FILED
FEB 4, 2019

CENTRAL DISTRICT OF CALIFORNIA SOUTHERN DIMISION AT SANTA ANA BY MKU
DEDUY CIECK, U.S. DISTRICT COURT

Did Plaintiffs prove that Defendants made materially false or misleading statements or omissions on July 22, 2014 regarding:

|  | (circle either "yes" or "no"<br>for each statement) |      |
|--|---|------|
| Disease-Free Survival (DFS) Rates                    | YES   | NO   |
| 2. Grade 3+ Diarrhea Rate                            | YES   | NO   |
| 3. Kaplan-Meier (KM) Curves                          | YES   | (NO) |
| Discontinuation Rate Due to     Adverse Events (AEs) | YES   | (NO) |

IF YOU CIRCLED "YES" AT LEAST ONCE, PROCEED TO SECTION 2. OTHERWISE, PROCEED TO SECTION 6.

#### 2. KNOWINGLY

Did Plaintiffs prove that Defendants acted knowingly in making the alleged false or misleading statements or omissions? (circle either "yes" or "no")

YES

NO

IF YOU CIRCLED "YES," PROCEED TO SECTION 3. OTHERWISE, PROCEED TO SECTION 6.

#### 3. <u>CAUSATION</u>

3.1 Did Plaintiffs prove that the disclosures on May 13, 2015 regarding the ExteNET trial DFS Rates and Grade 3+ Diarrhea Rate played a substantial part in causing the decline in Puma's stock price on May 14, 2015? (circle either "yes" or "no")

YES

NO

PROCEED TO QUESTION 3.2.

SACV 15-00865-AG (SHKX) HSINGCHING HSU, ET AL V. PUMA BIOTECHNOLOGY INC, ET AL 3.2 Did Plaintiffs prove that the disclosures on June 1, 2015 regarding the ExteNET trial KM Curves and Discontinuation Rate Due to Adverse Events played a substantial part in causing the decline in Puma's stock price on June 1-2, 2015? (circle either "yes" or "no")

YES (NO

IF YOU CIRCLED "YES" IN RESPONSE TO QUESTION 3.1 AND/OR QUESTION 3.2, PROCEED TO SECTION 4.

OTHERWISE, PROCEED TO SECTION 6.

#### 4. DAMAGES

Specify the amount of damages per share of Puma stock, if any, caused by the disclosures regarding the alleged false or misleading statements or omissions. (For each date for which you answered "yes" in response to Questions 3.1 and 3.2, write in a dollar amount.)

| Date           | (\$/share)                                       |
|----------------|--|
| May 14, 2015   | \$(The damages per share cannot exceed \$40.96)  |
| June 1-2, 2015 | \$ (The damages per share cannot exceed \$46.24) |

#### PROCEED TO SECTION 5.

#### 5. REBUTTING THE PRESUMPTION OF RELIANCE

5.1 Did Defendants prove that Plaintiff Norfolk Pension Fund did not actually rely on the integrity of the market price of Puma's stock because it would have bought Puma stock at the same price it did, even if it had known of the alleged fraud? (circle either "yes" or "no")

YES (NO)

#### PROCEED TO QUESTION 5.2.

5.2 Did Defendants prove that the alleged false or misleading statements or omissions on July 22, 2014 did not affect the market price of Puma's stock? (circle either "yes" or "no")

YES



PROCEED TO SECTION 6.

### 6. RETURN OF VERDICT

SIGNED this 4 day of FEBRUARY, 2019.

PRESIDING JUROR:

# APPENDIX OF ALLEGED FALSE AND MISLEADING STATEMENTS AND SURROUNDING TEXT

(see Exhibit 103 for full transcript of the July 22, 2014 conference call)

| No.  | Subject                                 | July 22, 2014 Statements   |  |
|--|---|--|--|
| 1.   | Disease-Free<br>Survival<br>(DFS) Rates | WERBER: Congrats on this fantastically and, in many ways, unexpected data. So I have a ton of questions. Maybe I'll just take  |  |
| THE THE PROPERTY OF THE PROPER |   | AUERBACH: Okay. So in terms of the DFS of the placebo arm of the trial, it was in line with other reported trials. So it's in line with the Herceptin adjuvant studies. And then in terms of the safety profile, we haven't yet fully validated the safety database. Our anticipation is the main AE we're going to see is what we've historically seen with neratinib, which is the diarrhea. And again, we would anticipate that the diarrhea rate, the grade 3 diarrhea rate, would be in line with the 29% to 30% that's been seen in the prior studies of neratinib as a monotherapy. |  |
|  |   | * * *  |  |
|  |   | WERBER: You're thinking that, if I'm correct, the DFS is probably around mid to high 80s, around 86% or so in the control arm?   |  |
|  |   | AUERBACH: I would be comfortable with that number.   |  |
|  |   | WERBER: And one would imagine you probably had to show around 90% or 91%? Is that reasonable?  |  |
|  |   | AUERBACH: Yes. I think you can do a 33% improvement in DFS and come up with that calculation, given the numbers we gave.   |  |

#### 2. Grade 3+ Diarrhea Rate

AUERBACH (opening remarks): From a safety perspective, the Company has not yet seen the safety results from the ExteNET trial for neratinib, as the data is still being validated. Historically, the main adverse event that has been seen with neratinib has been a gastrointestinal adverse event, and more specifically, diarrhea. In previous studies performed prior to Puma licensing neratinib, grade 3 or higher diarrhea was seen in approximately 30% or more of the patients treated with neratinib. In these previous historical studies, the diarrhea was typically a first-cycle effect and was treated using a combination of anti-diarrheal agents, such as Imodium, which is also known generically as loperamide, dose interruptions, or dose reductions.

\* \* \*

Prior to Puma licensing the drug, neratinib monotherapy was previously tested in two Phase II trials in patients with HER2-positive metastatic breast cancer, the results of which were published in European Journal of Cancer in December 2013 and the Journal of Clinical Oncology in 2010. In those studies, grade 3 or higher diarrhea was seen in 29% and 30% of the patients, respectively.

The ExteNET trial was started in April of 2009, prior to Puma licensing the drug in 2011. Neratinib was given as a monotherapy, and no prophylaxis to prevent neratinib-related diarrhea was used. Therefore, the Company anticipates that the grade 3 diarrhea rates in the ExteNET trial are likely to be in line with what was previously published in the prior Phase II trials that were published in the European Journal of Cancer and the Journal of Clinical Oncology.

As investors know, after licensing the drug, Puma began to look at using antidiarrheal agents, and specifically Imodium, prophylactically in order to reduce and potentially prevent the neratinib-related diarrhea. More specifically, the results of using both low doses and high doses of Imodium prophylactically have shown that using high doses of Imodium during the first 3 days of treatment and then tapering the Imodium dose down during the first cycle has resulted in much lower rates of grade 3 diarrhea.

In all of its current ongoing studies. Puma is instituting the use of this high-dose Imodium in order to reduce the neratinib-related diarrhea. The results of this continues to demonstrate that the use of high-dose Imodium prophylaxis drops the grade 3 diarrhea rates considerably. We expect that the first clinical trial data utilizing this high-dose Imodium prophylaxis will be presented in the second half of 2014, and we believe that this will give investors much greater transparency into the success of this prophylaxis in reducing the grade 3 diarrhea with neratinib.

\* \* \*

WERBER: Congrats on this fantastically and, in many ways, unexpected data. So I have a ton of questions. Maybe I'll just take two, if you don't mind. One is, give us a little bit of a sense, what was the DFS on the control arm, first. And then second, help us understand, what do you know about the safety profile?

AUERBACH: Okay. So in terms of the DFS of the placebo arm of the trial, it was in line with other reported trials. So it's in line with the Herceptin adjuvant studies. And then in terms of the safety profile, we haven't yet fully validated the safety database. Our anticipation is the main AE we're going to see is what we've historically seen with neratinib, which is the diarrhea. And again, we would anticipate that the diarrhea rate, the grade 3 diarrhea rate, would be in line with the 29% to 30% that's been seen in the prior studies of neratinib as a monotherapy.

Now, again, they didn't use any prophylaxis. There was no Imodium prophylaxis used in the trial, because it was started before we had come up with that. In the current trial that we're doing, neratinib monotherapy, we've been very, very successful in being able to reduce the grade 3 diarrhea rates using the Imodium prophylaxis.

## 3. Kaplan-Meier (KM) Curves

LIANG: Congratulations, Alan, and your team. So can you -I assume you have seen the curves for the two arms. Can you give us a sense as to whether the separation is widening over time? Or how would you describe the curve separation?

AUERBACH: Yes, thanks for that question, Howard. Okay, so the trial started in April of 2009, and this data cut is as of October 2013. So that's essentially the last patient was followed for 2 years. So from those numbers, you can see we have a lot of patients who have been in for much more than that 2-year cutoff. If we look at the [Kaplan-Meier] curves going out beyond that, it looks like the curves are continuing to separate.

And to give a little more detail on that, if you look at the curves in the Herceptin adjuvant trials — so the HERA study, the BCIRG study, et cetera — the absolute difference in disease-free survival increases as you go out year over year. So, for instance, in the BCIRG trial, the DFS difference was 6% at 2 years and 7% at 3 years, then 8% at 4 years, et cetera, et cetera....

We're seeing the same preliminary trend in the ExteNET trial, where the curves appear to be continuing to separate as you go out year over year, and the absolute DFS difference is increasing year over year as well.

4. Discontinuation Rate Due to Adverse Events (AEs)

SCHMIDT: Thanks. And lastly, I think you probably do know the dropout rate from the trial. Could you remind us of that?

AUERBACH: Dropout rate due to side effects?

SCHMIDT: Sure, or anything, if you have it.

AUERBACH: I don't have that. I apologize. That's part of the stuff being validated, but we anticipate, typically in the neratinib studies—the legacy ones that were done before, when Pfizer was running it without any prophylaxis—it was usually in the 5% to 10% range was the dropout rate due to AEs. So we'd anticipate it's in that same vein.

\* \* \*

RODEN: I just wanted to clarify an earlier answer to a question. So you were asked about the dropout rate, and I think you wanted to defer to dropouts due to — discontinuations due to adverse events. But can you just mention, or maybe I missed it, how many patients actually completed the year of therapy? Or another way of saying it is how much missing data is there from the DFS analysis?

AUERBACH: Yes, so in terms of patients who dropped out due to AEs, like I said, historically with neratinib, that should be somewhere in the 5% to 10% range.

RODEN: Okay, but do you have a sense for dropouts for any reason across the study?

AUERBACH: No, the main one we would expect is due to AEs. And obviously, if they progressed or died.